



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21083 of 2018

1 SELVARAJ
2 KANAGAMBAL

... PETITIONERS/ ACCUSED No. 2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT
IN CR.NO.11/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.JOEL PAUL ANTONY Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A) and 506(i) of IPC, in Crime No.11 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners who are the father-in-law and mother-in-law of the defacto complainant. Immediately after marriage, the petitioner's son and the defacto complainant are living separately at Gandhi Nagar, Samuthiram Post, Manapparai. There seems to be some misunderstanding between the petitioner's son and the defacto complainant, for which, she gave a complaint before the All Women Police Station, Manaparai. On 18.10.2018, the petitioners were summoned and they were handed over the jewels to the defacto complainant. Aggrieved over the same, on 13.11.2018 the petitioners had also issued a legal notice to the defacto complainant for restitution of conjugal rights. On receipt of such notice, the defacto complainant has lodged a complaint to the respondent police on 23.11.2018 and on the very same day, the first accused was arrested. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl.side) for the respondent police submitted that the investigation is pending.

5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/11/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
MANAPARAI, TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
<https://hcservices.ecourts.gov.in/hcservices/>



3

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

WEB COPY

+1. CC to MR.A.JOEL PAUL ANTONY Advocate SR.No.22432

ORDER
IN
CRL OP(MD) No.21083 of 2018
Date :28/11/2018

MSI/VR-MMS/SAR-III/04.12.2018-3P/6C