



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7647 of 2019

1. S.Michael Raj
2. M.Jokkinrani
3. M.Vennila
4. M.Punitha
5. C.Kenneth Santhose ... Petitioners/Accused No.1 to 5

Vs

State through
The Sub Inspector of Police,
Sempatti Police Station,
Dindigul,
Dindigul District.
(Cr.No.130/2019). ... Respondent/Complainant

For Petitioner : M/s.A.Haja Mohideen,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

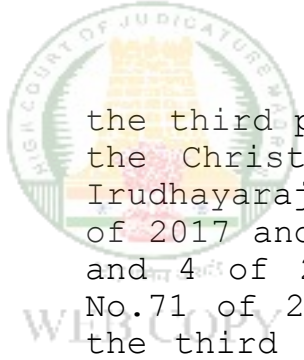
For Anticipatory bail in Cr.No.130/2019 on the file of the respondent police.

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 147, 148, 294(b), 341, 323, 324 and 506(ii) of IPC and section 4 of Tamilnadu Women Harassment Act, in Crime No.130 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the defacto complainant is the mother-in-law of the third petitioner. He further submitted that the marriage between



the third petitioner and one Dilip Irudhayaraj was solemnized as per the Christian rites. He further submitted that the said Dilip Irudhayaraj had filed divorce petitions in IDOP Nos. 23 of 2014, 4 of 2017 and 71 of 2017. He further submitted that IDOP No.23 of 2014 and 4 of 2017 were dismissed as withdrawn and subsequently, IDOP No.71 of 2017 was dismissed on merits. He further submitted that the third petitioner had filed IDOP No.121 of 2018 on the file of the District Court, Dindigul seeking restitution of conjugal rights and the same is still pending and the fact remains so, when the petitioners herein went to the cemetery of the son of the third petitioner to offer yearly prayer, the defacto complainant and her son assaulted her and hence, a complaint was lodged before the respondent police on 30.03.2019 and it is only thereafter the present FIR was registered in Crime No.147 of 2019 against the petitioners. He further submitted that since already a complaint was lodged by the third petitioner, as a counterblast, the defacto complainant has lodged a false complaint against the petitioners herein and based on the same, the present FIR was registered on 25.05.2019 in Crime No.130 of 2019 under the various provisions of law. He further submitted that the injured was already discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate appearing for the respondent has submitted that on 30.03.20219, when the defacto complainant and her son went to the cemetery, the petitioners herein have assaulted them and caused injuries and based on the same, the present FIR has been registered. However, she fairly conceded that counter case also has been registered in Crime No. 147 of 2019 and the injured was already discharged from the hospital.

5.Taking into consideration the fact that a counter case also has been registered and also the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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, Ottanchatram, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as



and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/06/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE, OTTANCHATRAM
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
- 3.THE SUB INSPECTOR OF POLICE
SEMPATTI POLICE STATION, DINDIGUL,
DINDIGUL DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A.HAJA MOHIDEEN Advocate SR.No.9181

ORDER
IN
CRL OP(MD) No.7647 of 2019
Date :06/06/2019

VSG
PK/VR/SAR-2/14.06.2019 : 3P/6C