



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

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.163 of 2019

1.KITTAN

2 THANGAMMAL

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE BY

THE INSPECTOR OF POLICE,
ODDANCHATRAM POLICE STATION,
DINDIGUL DISTRICT.

(CRIME NO.672/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.D.VENKATESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARAHTI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 354(B), 427 and 506(ii) of IPC and Section 4 of TNPHW Act in Cr.No.672 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the second petitioner's husband is having illegal affair with the defacto complainant. On 25.12.2018 when the defacto complainant with his family went to the house of the petitioner and questioned about their relationship the petitioners abused the defacto complainant and threatened them with dire consequences

3. The learned counsel for the petitioners would submit that there seems some matrimonial dispute between and the husband of the second petitioner has filed a divorce petition in HMOP No.179 of 2018 before the Sub Court, Palani.

4. The learned Government Advocate(Crl.Side) would submit that due to matrimonial dispute a case has been registered and the investigation is almost over.



5. Taking into consideration the facts of the case and the submissions by learned counsels this Court 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, before the learned Judicial Magistrate, Oddanchatram 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/-
07/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ODDANCHATRAM, DINDIGUL DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT



3 THE INSPECTOR OF POLICE,
ODDANCHATRAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.357

ORDER

IN

CRL OP (MD) No.163 of 2019

Date :07/01/2019

AE/JC/SAR1/10.01.2019/3P/6C