



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2824 of 2019

1 RAJ SANKAR
2 MANIKANDAN
3 RADHIKA

... PETITIONERS/ ACCUSED No. 1 to 3

Vs

THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
CRIME NO.35 OF 2019

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.S.MUTHUMALAIRAJA, Advocate for
Mr.N.PRAGALATHAN Advocate

For Respondent : K.SUYAMBULINGA BHARATHI,
Government 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 alleged offences under Sections 498(A), 294(b), 324, 323 of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002, in Cr.No.35 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage of the first petitioner and the defacto complainant was solemnised on 02.06.2018. Thereafter, there is no compatibility between the first petitioner and defacto complainant. Hence, the defacto complainant left with matrimonial home and residing with her parents. Thereafter, the first petitioner entered into the defacto complainant's parents' house and assaulted with bricks, thereby they sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Though there are some allegations against A1, there is no allegation against other petitions. Accordingly, he prayed for anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that investigation is still pending. The first petitioner is the husband and other petitioners are in-laws of the defacto complainant.

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6. Considering the gravity of offence, this Court is not inclined grant anticipatory bail to the 1st petitioner. However, there is no serious allegations against the petitioners 2 & 3 and since they are being the in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3. Accordingly, petitioners 2 & 3 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, Tiruchendur, on condition that the petitioners 2 & 3 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 2 & 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and third petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 & 3 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 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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]**; and;

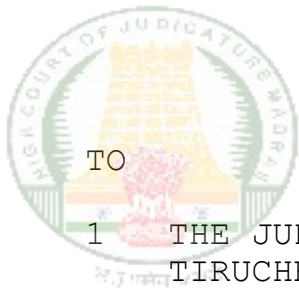
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. This criminal original petition is dismissed in respect of the first petitioner/A1.

sd/-

25/02/2019

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TO

1 THE JUDICIAL MAGISTRATE
TIRUCHENDUR, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION, TIRUCHENDUR,
THOOTHUKUDI DISTRICT,

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

+1. CC to MR.N.PRAGALATHAN Advocate SR.No.3724

ORDER

IN

CRL OP(MD) No.2824 of 2019

Date :25/02/2019

MSI/VR/SAR 1/28.02.2019/3P-6C