



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

Thursday, the Thirty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21613 of 2018

1 C.R.VENKADESH
2 R.VIJAYALAKSHMI
3 C.RAMANATHAN
4 R.SARAVANAPRIYAN ... PETITIONERS / ACCUSED RANK.1,3,2,4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
OTTANCHATRAM, DINDIGUL DISTRICT.
IN CRIME NO.22 OF 2018 ... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.SELVARAJ, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

For Intervener : Mr.D.SADIQ RAJA, Advocate

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

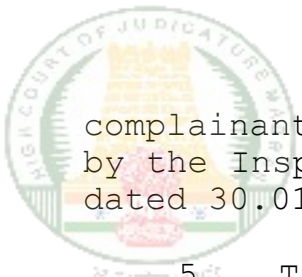
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) & 406 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of PP Act, 1961 in Cr.No.22 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant is the wife of the first petitioner and the other petitioners are the relatives of the first petitioner. Due to matrimonial dispute, the *de facto* complainant has lodged a complaint against the first petitioner and his family.

3. The learned counsel for the petitioners submitted that the *de facto* complainant has falsely implicated him in this case and he is innocent.

4. The learned Government Advocate(Crl.Side) would submit that the case is arising out of matrimonial dispute between the *de facto*



complainant and the petitioners. He also submitted the report filed by the Inspector of Police, All Woman Police Station, Ottanchathiram dated 30.01.2019.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioners. The report filed by the Inspector of Police, All Woman Police Station, Ottanchathiram dated 30.01.2019 shall form a part of the order. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Ottanchathiram, Dindigul 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 conditions 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/-

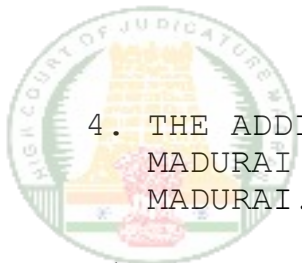
31/01/2019

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

TO

1. THE JUDICIAL MAGISTRATE, OTTANCHATHIRAM,
DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
OTTANCHATHIRAM, DINDIGUL DISTRICT.



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

+1. CC to Mr.S.SARVAGAN PRABHU, Advocate SR.No.1982

+1CC TO Mr.D.SADIQ RAJA, Advocate, SR NO.1921

ORDER

IN

CRL OP(MD) No.21613 of 2018

Date :31/01/2019

MS/PN/SAR-4/01.02.2019/3P.7C