



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

Date : 09/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8721 of 2019

(*)1.Balachandran
2.Muthulakshmi
3.Muthumohana

... Petitioners/Accused
Rank not known

Vs

The Inspector of Police,
(**)All Women Police Station(South)
Crime Branch,
Madurai City.
(Crime No.not Known of 2019).

... Respondent/Complainant

(*)(**) Amended as per the order of Hon'ble Court made in Crl.MP(MD)
5867/19 in Crl.OP(MD)8721/2019 vide order dated 28.06.2019 by PRMJ.

For Petitioner : M/s.S.A.Ajmalkhan,
Advocate.

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

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

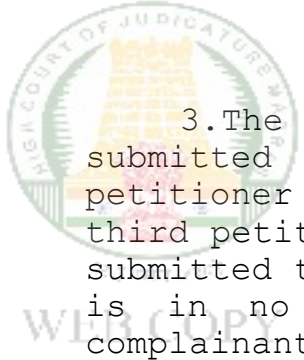
PRAYER :-

For Anticipatory Bail in Crime No.not known of 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 498(A)
and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act, in Crime No.Not Known of 2019, seek
anticipatory bail.

2. Heard both sides.



3. The learned counsel appearing for the petitioners has submitted that the first petitioner is husband and the second petitioner is the mother-in-law of the defacto complainant and the third petitioner is the sister of the second petitioner. He further submitted that the third petitioner is residing at Chennai and she is in no way connected with the dispute between the defacto complainant and the petitioners 1 and 2 and hence he requested to grant anticipatory bail to the third petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that investigation is still pending and hence, she opposed this petition.

5. Considering the fact that the petitioners 1 and 2 have not appeared before the Mediation Centre as per their undertaking, this Court is not inclined to grant anticipatory bail to the petitioners 1 and 2. Insofar as the third petitioner is concerned, she resides at Chennai and she is the sister of the second petitioner, this Court is inclined to grant anticipatory bail to the third petitioner.

6. Hence, this criminal original petition is dismissed in respect of the petitioners 1 and 2.

7. Accordingly, the third petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court (Magistrate Level), Madurai, on condition that the third petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 third petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the third petitioner 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 third petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the third petitioner 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 third petitioner in accordance with law as if the



conditions have been imposed and the third petitioner 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/-
09/07/2019

/ TRUE COPY /

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

TO

1.THE ADDITIONAL MAHILA JUDGE,
(MAGISTRATE LEVEL), MADURAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI CITY.

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

+1. CC to M/S.S.A.AJMALKHAN Advocate SR.No.11346

ORDER
IN
CRL OP(MD) No.8721 of 2019
Date :09/07/2019

VSG
PK/JC/SAR-2/17.07.2019 : 3P/6C