



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10094 of 2019

1.Pakkiam
2.Ravi
3.Sangeetha
4.Rajendran

... Petitioners/Accused Nos.2 to 5

Vs

State through
The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District.
Crime No. 7 of 2019.

... Respondent/Complainant

For Petitioners: M/s.R.Venkatesan,
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. 7 of 2019 on the file of the Respondent Police.

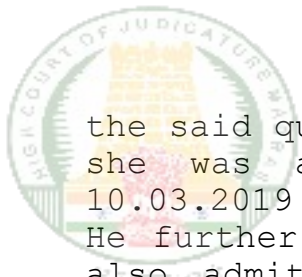
ORDER : The Court Made the following order :-

Memo filed by the petitioners herein recorded. The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294 (b) of IPC and Section 4 of Women Harassment Act, in Crime No.7 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that on 10.03.2019, there was a quarrel between the petitioners and the defacto complainant in respect of the same, in

<https://hcservices.ecourts.gov.in/hcservices/>



the said quarrel, the first petitioner sustained injuries and hence, she was admitted in the Government Hospital, Thirupuvanam on 10.03.2019 and a complaint was received by Poovanthi Police Station. He further submitted that on the same day, the defacto complainant also admitted in the same hospital and from her also Poovanthi police has obtained complaint and after enquiry both the complaints were closed by the Poovanthi Police Station. He further submitted that after four months, in respect of the same occurrence, on 11.07.2019, she has lodged the another complaint before the respondent police and based on the said complaint, the present FIR has been registered. He further submitted that since already in respect of same occurrence, one complaint was received by Poovanthi Police Station and the same was closed after enquiry, it would not be proper on the part of the respondent to receive another complaint in respect of the same complaint. Hence, he prayed to grant anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that in respect of the occurrence took place on 10.03.2019, the defacto complainant has lodged a complaint before Manamadurai Police Station and during the enquiry, the husband (A1) gave an undertaking that within a week, he will take back the defacto complainant to his house and since he has not complied with the said undertaking, the present FIR has been registered.

5.Taking into consideration of the fact that already one complaint was received by Poovanthi Police Station in respect of the occurrence which was said to have been taken place on 10.03.2019 and counter complaint was also received and after enquiry both the complaints were closed by the Poovanthi Police Station and after four months, in respect of the same occurrence, the respondent has registered another FIR, this Court is inclined to grant anticipatory bail to the petitioners with 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, No.2, Sivagangai, 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/-
13/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO 2,
SIVAGANGAI.
 - 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAMADURAI,SIVAGANGAI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.VENKATESAN Advocate SR.No.13439

ORDER
IN
CRL OP(MD) No.10094 of 2019
Date :13/08/2019

dss
TK/VR/SAR.3/21.08.2019/3P/6C