



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

Date : 09/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11116 of 2019

1.Muthukani
2.Venkatesh
3.Murugan
4.Saranya

... Petitioners/Accused
No.1,2,3 and 5

Vs

The State Represented by its
The Sub-Inspector of Police,
Eral Police Station,
Tuticorin District.
Crime No.126 of 2019

... Respondent/Complainant

Renuka

...Intervener/Defacto-
Complainant

For Petitioners: M/s.B.Perumal Prabhu, Advocate.

For Respondent : Mr.V.Neelakandan, Additional Public Prosecutor

For Intervener : Mr.C.T.Perumal, Advocate

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

PRAYER :-

for Anticipatory bail in Crime No.126 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 147,
294(b), 323 and 506(i) of IPC in Crime No.126 of 2019, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the defacto complainant is the wife of the second
petitioner and the first petitioner is the mother-in-law of the

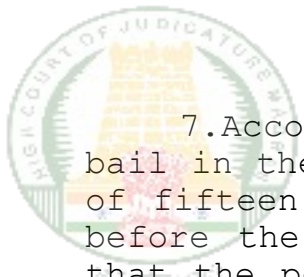


defacto complainant and third and fourth petitioners are brother-in-law and sister-in-law of the defacto complainant. He further submitted that due to misunderstanding between the second petitioner and the defacto complainant, the defacto complainant left the matrimonial home and she is separately residing and she is practising as an advocate. He further submitted that on 09.07.2019, the petitioners went to Sivanaintha Perumal Temple to attend Kodai festival and the defacto complainant also came to the said festival and there some wordy quarrel arose between both the parties and due to the same, the defacto complainant has lodged a false complaint. He further submitted that a counter case has also been registered in Crime No.127 of 2019 under Sections 341, 294(b), 323 and 506(i) of IPC. He further submitted that the injured sustained only simple injury and she has already been discharged from the hospital and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervener/defacto complainant has submitted that on 06.06.2019, when the petitioners and the defacto complainant went to Sivanaintha Perumal Temple to tonsure for their child, the petitioners indulged in quarrel with the defacto complainant and demanded dowry and send her to her parent's house. He further submitted that on 09.07.2019, when the defacto complainant and her parents went to attend Kodai Festival at Sivanaintha Perumal Temple, the petitioners also came there and assaulted the defacto complainant and especially, the second petitioner has kicked on her stomach and hence, she admitted in a private hospital and took treatment as in-patient for nearly eight days and hence, he strongly opposed this petition.

5.The learned Additional public Prosecutor appearing for the respondent police has adopted the arguments advanced by the learned counsel for the intervener/defacto complainant. He has also opposed this petition. However, he fairly conceded that based on the complaint given by the first petitioner, a counter case has also been registered against the defacto complainant and her parent in Crime no.127 of 2019 under Sections 341, 294(b), 323 and 506(i) of IPC and the said case is also pending for investigation.

6.Taking into consideration of the relationship between the parties and also the fact that even though it is alleged in the FIR that on 06.06.2019 the petitioners have demanded dowry and driven the defacto complainant to go to her parent's house, with regard to the said incident she has not immediately lodged a complaint and also the fact that on 09.07.2019, a counter case has also been registered against the defacto complainant and her parents and also the fact that the defacto complainant sustained only simple injury and she has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.



7. 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, Srivaikundam, 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/-

09/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
2. THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,
ERLAL POLICE STATION, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.13430
+1. CC to Mr.C.T.PERUMAL Advocate SR.No.13357

ORDER IN

CRL OP(MD) No.11116 of 2019

Date : 09/08/2019

TK/VR/SAR.1/20.08.2019/3P/7C