



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

Date : 06/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12446 of 2019

WEB COPY

1.Arun Kumar
2.Arokiyasamy
3.Justin

... Petitioners/Accused Nos. 1 to 3

Vs

State rep.by its
The Inspector of Police,
Thondi Police Station,
Thondi, Ramanathapuram District,
(Crime No. 150/2019).

... Respondent/Complainant

For Petitioners : M/s.J.Madhu, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.N.Pragalathan, Advocate

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

PRAYER :-

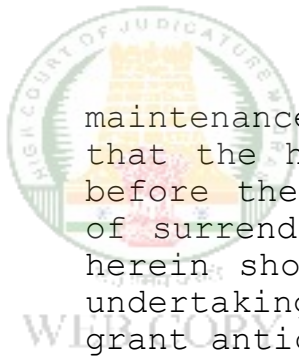
For Anticipatory bail in Crime No. 150 /2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The defacto complainant is the wife of the second petitioner Arokiyasamy. There is a matrimonial dispute between the two. The defacto complainant filed maintenance case against him and got an order as early as in the year 1999. In lieu of the payment of the maintenance amount, the second petitioner is said to have given a land measuring about 1 ½ acres to the defacto complainant.

2.The petitioners apprehending arrest at the hands of the respondent for the offences under Sections 323, 294(b) and 506(ii) of I.P.C. and Section 4 of Prohibition of Women Harassment Act, in Crime No.150 of 2019, seek anticipatory bail.

3.After Hearing the learned counsel appearing for the petitioners, learned counsel appearing for the intervener and the learned Government Advocate (Crl. Side) appearing for the respondent, this Court suggested to the petitioners that they should give an undertaking that they would not interfere with the enjoyment of land, which was given in lieu of the



maintenance. The petitioners' counsel on instructions submitted that the he would file an affidavit of undertaking to this effect before the learned Judicial Magistrate, Thiruvadanai, at the time of surrender and it is made clear that all these three petitioners herein should execute an affidavit of undertaking. Recording the undertaking given by the petitioner's counsel, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruvadanai, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

4. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
06/09/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUVADANAI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
THONDI POLICE STATION, THONDI, RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.J.MADHU, Advocate (SR-14998[I] dated 06/09/2019)
+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-15049[I] dated 06/09/2019)

ORDER IN
CRL OP(MD) No.12446 of 2019
Date :06/09/2019

IAS
ES/PN/SAR 3/13.09.2019/2P/7C

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