

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9190 of 2020

(Heard through video conferencing)

1.Mr.B.Aarthiraja
S.o Bharathi

2.Mr.M.Barathi
S.o Muthusamy

3.Mrs.P.Thanalakshmi
W.o Barathi

All are residing at
15/7, Palaniappa Street,
Sengunthapuram 2nd Cross,
Karur District.

... Petitioners/Accused Nos.1 to 3.

Vs.

The State Rep. By
Inspector of Police,
Namakkal All Women Police Station,
Namakkal City.
Cr. No.11 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No11 of of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Senthilkumar
For Intervenor : Mr.Sivakumar
For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A) of I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.11 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the defacto complainant and the petitioners herein. The petitioners abused and harassed the defacto complainant. Hence the present complaint has been filed against the petitioners. .

3. The learned counsel for the petitioners would submit that the petitioners are husband and in laws of the defacto complainant herein and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a matrimonial dispute between the petitioners and the defacto complainant. As such, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and the fact that the dispute is matrimonial in nature, 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 on which the order copy made ready, before the learned Additional Mahila Court (Magisterial Level), Namakkal, on

condition that each of the petitioners shall execute separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation and the petitioners 2 and 3 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 petitioner/s in accordance with law as if the conditions have been

imposed and the petitioner/s 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/s, a fresh FIR can be registered under Section 229A IPC.

23.06.2020

Index: Yes/No
Speaking Order/Non-Speaking order
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To

- 1.The Additional Mahila Court
(Magisterial Level), Namakkal.
2. The Public Prosecutor,
Madras High Court,
Chennai.
- 3.Inspector of Police,
Namakkal All Women Police Station,
Namakkal City.

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G.K.ILANTHIRAIYAN, J

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