



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4741 of 2020

1. Vinothkumar,
2. Monoj @ Manojkumar,,
3. R.Balakirushnan,, ... Petitioners/Accused 1 TO 3

Vs

The State rep.by
Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No. 56/ 2020). ... Respondent/Complainant

For Petitioners : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Mr.J.Sankara pandian, Advocate

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

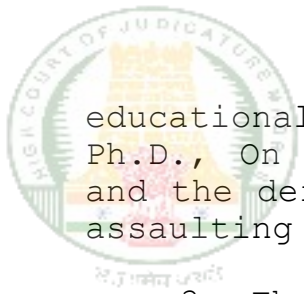
PRAYER :-

For Anticipatory Bail in Crime No. 56 of 2020 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 294(b), 324, 427, 506(ii) of IPC and Section 4 of TNPHW Act seek anticipatory bail.

2. It is a case and counter case arising out of matrimonial discord between the defacto complainant and the first petitioner. It appears that within a year of marriage discord has cropped out between them and the first petitioner has refused to give the



educational certificate of the defacto complainant for pursuing her Ph.D., On 09.03.2020 the family members of the first petitioner and the defacto complainant has indulged in quarrel, which ended in assaulting each other.

3. The defacto complainant is represented by the counsel and intervened the anticipatory bail petition.

4. The learned Government Advocate(Crl.Side) submitted that injured persons on either side got admitted in the hospital on 09.03.2020 and got discharged on 14.03.2020 and the first petitioner has returned back the educational certificates to the mother of the defacto complainant. However in the fight household articles of the defacto complainant worth Rs.20,000/- has been damaged.

5. Considering the nature of the complaint and the counter complaint this Court is inclined to grant anticipatory bail to the second and third petitioners on certain conditions.

6. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Tirunelveli on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh 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:

(a)the petitioners 2 and 3 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 petitioners 2 and 3 shall report before the respondent police as and when required for interrogation

(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 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 petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. As regards the first petitioner, since he has caused damage to the household articles of the defacto complainant and he is the root cause for the fight this petition is dismissed.

sd/-
17/03/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.SANKARAPANDIAN, Advocate (SR-5447[I] dated 18/03/2020)

+1. C.C. to M/S.G.Thalaimutharasu, Advocate SR.No. 5382

ORDER
IN
CRL OP(MD) No.4741 of 2020
Date :17/03/2020

AAV
AE/VR/SAR-I (19.03.2020) 3P 7C