



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

WEB COPY

PRESENT

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL OP(MD) . Nos.6364 and 6383 of 2020

Anusha ... Petitioner/Accused No.4
in Crl.O.P(MD)No.6364 of 2020

1.Dhanapalan
2.Anbumani
3.Usha ... Petitioners/Accused Nos.2,3 & 5
in Crl.O.P(MD)No.6383 of 2020

Vs

The State Represented by
The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.
Crime No.17 of 2020. ... Respondent/Complainant
in both the petitions

In Crl.OP(MD)No.6364 of 2020;

For Petitioner : M/s.S.Vinayak
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

In Crl.OP(MD)No.6383 of 2020;

For Petitioners : M/s.A.Thiruvadikumar
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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



COMMON PRAYER :-

For Anticipatory Bail in Crime No.17 of 2020 on the file of the respondent police.

COMMON ORDER : The Court made the following common order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 494 and 506(ii) of I.P.C., in Crime No.17 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that in this case, the de-facto complainant is the first wife of A1 and A4 is the second wife of A1 and other petitioners are in-laws. When the first wife is alive, A1 married A4. Hence, the complaint.

4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

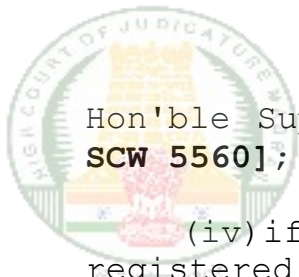
5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that it is a matrimonial dispute. The first wife of A1 has given a complaint against her husband and in-laws and A4 who is the second wife of A1.

6. Considering the facts and circumstances of the case and also considering the fact it is appears to be a matrimonial dispute, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.IV, Thoothukudi and on their executing a 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 learned Judge concerned;

(ii) The petitioners shall appear before the respondent police as and when required, for the purpose of interrogation.

(iii) 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 themselves as laid down by the



Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

WEB COPY

7. 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.

8. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
19/06/2020

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) . Nos.6364 and
6383 of 2020
Date :19/06/2020

SKN
AE/PN/SAR-III (23.06.2020) 3P 5C