



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6470 of 2020

1. Bavithran
2. Kalimuthu
3. Rani
4. Parthiban
5. Sangeetha

... Petitioners/Accused
(Rank Not Known)

Vs

- 1.State represented by
The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District.

... 1st Respondent/Complainant

- R2. Durka Devi ... 2nd Respondent/Defacto Complainant
(R2 Suo Motu Impleaded as Per Order of this Court
dated 12.08.2020 in CRL OP(MD)No.6470 of 2020)

For Petitioner : Mr.S.Krishnan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
No.1 Government Advocate (Crl.Side)
No.2 : No appearance

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

PRAYER :-

For Anticipatory Bail in Crime No. 6 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 498(A),
294(b), 506(i) of IPC and Section 4 of TNPHW Act, seek anticipatory
bail.



2.The petitioners herein are the husband and in-laws of the defacto complainant. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 02.12.2019 and thereafter they were living together and blessed with a female child. Thereafter due to some misunderstanding between the first accused and the defacto complainant the defacto complainant left the matrimonial home and now living in her parents home. Thereafter when she approached the petitioner for re-union the petitioners herein said to have criminally intimidated her also abused her with filthy language. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are husband and in-laws of the defacto complainant and they have been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that the first accused and the defacto complainant are husband and wife and now the defacto complainant due to some misunderstanding living with her parents and when the defacto complainant approached the petitioners for re-union, the petitioners herein abused the defacto complainant and criminally intimidated her. He would also submit that the name of the fifth petitioner does not found place in the First Information Report.

5. Earlier this Court by an order dated 12.08.2020 *suo motu* impleaded the defacto complainant as second respondent and ordered notice. Despite the notice being served, none appeared on behalf of the defacto complainant/second respondent.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no allegation of dowry demand or harassment, this Court is inclined to grant anticipatory bail to the petitioners 1 to 4 with certain conditions.

7. Accordingly, the petitioners 1 to 4 are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruvadanai on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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:

(a)the petitioners 1 to 4 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 1 to 4 shall report before the respondent police as and when required for interrogation.

(c)the petitioners 1 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 to 4 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 1 to 4 in accordance with law as if the conditions have been imposed and the petitioners 1 to 4 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.

9. Since the name of the fifth petitioner does not found place in the First Information Report, the petition against the fifth petitioner stands dismissed.

sd/-
04/09/2020

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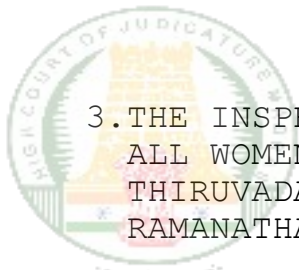
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVADANAI,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6470 of 2020

Date : 04/09/2020

AAV

AE/VR/SAR-IV (08.09.2020) 4P 5C