



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

Date : 28/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD.No.7749 of 2020

1.M.Muthuraman
2.Karthikaiselvi
3.Indrani

...Petitioners/Accused Nos.1 to 3

Vs

State Rep.by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.621 of 2020)

... Respondents/Complainants

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

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

PRAYER :-

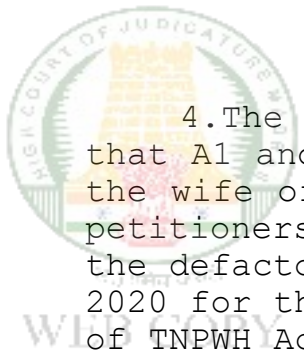
For Anticipatory Bail in Crime No.621 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1, A2 and A3, apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 323 of IPC r/w Section 4 of Tamilnadu Prohibition of Woman Harassment Act, in Crime No.621 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a matrimonial dispute between the defacto complainant and A3. On the date of occurrence the petitioners said to have abused the defacto complainant with filthy language and also attacked his family members. Hence, the complaint.

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



4.The learned counsel appearing for the petitioners submitted that A1 and A2 are the in-laws of the defacto complainant and A3 is the wife of the de facto complainant. He further submitted that the petitioners gave a complaint before the respondent police against the defacto complainant and a case was registered in Crime No.620 of 2020 for the offence under Sections 323, 379 NP of IPC r/w Section 4 of TNPWH Act and in order to escape from the criminal liability, the defacto complainant has given a counter complaint falsely against the petitioners. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that there is matrimonial dispute between the defacto complainant and A3. It is a case of case in counter in Crime No.620 of 2020.

6.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute between the husband and wife and in-laws, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumangalam, Madurai District, and on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two common sureties for a like sum to the satisfaction of the learned Magistrate concerned 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 petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/07/2020

/ TRUE COPY /

WEB COPY

/ /2020
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 JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7749 of 2020
Date :28/07/2020

MS/PN/SAR-2/31.07.2020/3P.5C