



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

Date : 31/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7803 of 2020

1. AJAY @ AJAY SUDHARSAN
2. LAKSHMI @ LAKSHMI NARAYANEE
3. SAKTHIVEL

... PETITIONERS/ACCUSED NO.1 TO 3

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
SUBRAMANIPURAM POLICE STATION,
MADURAI CITY.
(CRIME NO. 1027 OF 2020).

... RESPONDENT/COMPLAINANT

ASHTESEARI

... PETITIONER/INTERVENER/
DEFACTO-COMPLAINANT

For Petitioner : Mr.K.Sathish Kumar,
Advocate.

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

For Intervener : Mr.S.Karthick Ramkumar
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 1027 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 292A, 294(b), 354-D and 506(i) of IPC, in Crime No.1027 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the co-sister of the second petitioner. Due to family dispute between the defacto complainant and the second petitioner, there was



the defacto complainant by using filthy language and also posted some defamatory message through whats app group. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that due to family dispute, they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned counsel appearing for the intervener/defacto complainant submitted that due to family dispute between the second petitioner and her husband, the petitioners were said to have abused the defacto complainant by using filthy language and also posted some message through whats app group. Hence, he prayed for dismissal of this petition.

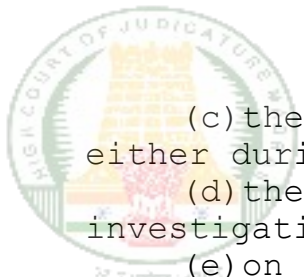
6.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to family dispute, the occurrence said to have taken place.

7.Considering the facts and circumstances of the case and also considering the rival submission on either side and the fact that due to family dispute, the occurrence said to have taken place and there is no serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners 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 Judicial Magistrate No.IV, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 <https://helpline.mca.gov.in/helpline> 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/07/2020

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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 JUDICIAL MAGISTRATE NO.IV,
MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SUBRAMANIYAPURAM POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7803 of 2020

Date :31/07/2020

vsg

JM/JC/SAR 2/04.08.2020/3P/5C