



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9048 of 2020

1. Raja	... 1 st Petitioner/A1
2. Balamurugan	
3. Sankar	
4. Mariammal	
5. Pradeepa	... 2 to 6 Petitioners/A 3 to A6

Vs

The State Rep. by The Inspector of Police, Vadippatti Police Station, Madurai District. Crime No. 1668/2020.	... Respondent/Complainant
--	----------------------------

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

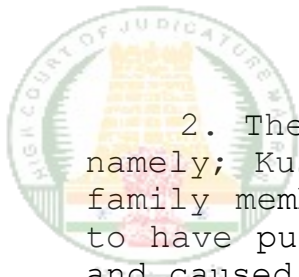
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No. 1668/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1, A-3 to A-6 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323, 324 and 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No.1668 of 2020 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the defacto complainant, namely; Kushbu got married with one Kandavel without consent of her family members. Due to the marriage dispute, the petitioners said to have pulled the hair of the defacto complainant and attacked her and caused injuries. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioners would submit that, due to small family dispute between the petitioners and the defacto complainant, the defacto complainant has lodged this false complaint against the petitioners. He would further submit that they have not committed an offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that A-2 was already enlarged on bail.

6. Considering the facts and circumstances of the case and considering the fact that family dispute is pending between the parties and A-2 was already been enlarged on bail, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, 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:

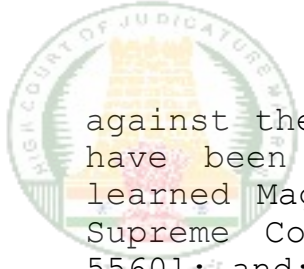
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/08/2020

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

ORDER
IN
CRL OP(MD) No.9048 of 2020
Date : 28/08/2020

KSA
TE/VR/SAR-III : 02/09/2020 : 3P/5C