



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9089 of 2020

1. N.PANDI (A-1)
2. K.POUNRAJ (A-2)
3. M.NAGAMALAIYAN (A-3)
4. M.RAJENDRAN (A-4)
5. M.SELVAM (A-5)
6. N.RAJESH KANNAN (A-7) ... PETITIONERS/ACCUSED 1 TO 5 AND 7

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT
(CRIME NO. 11/2020).

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.T.K.Gopalan,
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. 11 of 2020 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 498(A),
406, 294(b) & 506(i) of IPC, in Crime No.11 of 2020 on the file of
the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are
arrayed as A-1 to A-5 & A-7. The allegation is that the first
petitioner is the husband of the defacto complainant and other
petitioners are his relatives. Due to the matrimonial dispute
between the petitioners and the defacto complainant, earlier she has
filed a complaint against the petitioners for the offences under



Sections 498(A), 406, 294(b) and 506(i) of IPC before the All Women police Station, Thirumangalam and the same has been registered in Crime No.38 of 2018 and in that case the petitioners were enlarged on bail. In the meantime, the first petitioner has also filed a petition for divorce and the same was dismissed, aggrieved over the same an appeal has also been filed before the Appellate Court. Thereafter, under the guise of settlement these petitioners said to have threatened the parents of the defacto complainant and also obtained their signatures in some blank papers as if they have received a sum of Rs.10 Lakhs from them. Thereafter, on 08.01.2019 when the defacto complainant has appeared in the Court for hearing and all the petitioners said to have criminally intimidated the defacto complainant. Hence the present complaint was given on 28.02.2020.

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 the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent police.

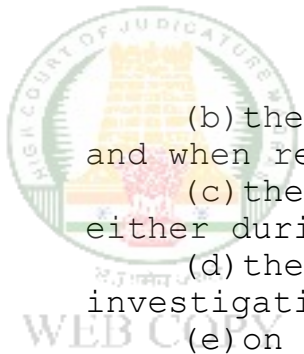
6. On perusal of the First Information Report, it is seen that the occurrence said to have taken place in the year 2018 - 2019. That apart, earlier complaint was filed under Sections 498(A), 406, 294(b) and 506(i) of IPC the petitioners were enlarged on bail.

7. Considering the fact and circumstances of the case and also considering the fact that in the earlier complaint, the petitioners were enlarged on bail and a matrimonial dispute is also pending between the parties, 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.I, Usilampatti, 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

<https://hservicesresour.gov.in/hservices/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/-
02/09/2020

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/ /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 NO.I,
USILAMPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.K.GOPALAN, Advocate (SR-6218[I] dated 03/09/2020)

ORDER
IN
CRL OP(MD) No.9089 of 2020
Date :02/09/2020

KSA

<https://hcmvscs.ecourts.gov.in/fcservlet> 09.2020/3P/6C