



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9178 of 2020

1. P.Siva
2. P.Suresh ... Petitioners/Accused Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
Crime No.21/2020.

... Respondent/Complainant

For Petitioners: Mr.K.Manavalan,
Advocate.

For Respondent : MS.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 21 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 294(b) and 506(i) of IPC, in Crime No.21 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 wife of the first petitioner and the second petitioner is the brother of the first petitioner/A1. Due to matrimonial dispute, the defacto complainant left the matrimonial home and living with her parental house. Thereafter, the defacto complainant asked the petitioners to hand over the sridhana articles and they have also promised to return the same. Therefore, the defacto complainant went to the petitioners' house, at that time, the petitioners said to



have harassed the defacto complainant and abused her with filthy language and also physically assaulted her and driven out her from the matrimonial home. Hence, the present 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 due to matrimonial dispute, the first petitioner and the defacto complainant are living separately. Thereafter, the first petitioner has filed a petition for restitution of conjugal rights in H.M.O.P.No.99 of 2020 before the learned Subordinate Judge, Manapparai, Trichy District. He further submitted that the petitioners are ready to hand over the sridhana articles to the defacto complainant, but she refused to receive it. Thereafter, a false complaint has been foisted against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioners.

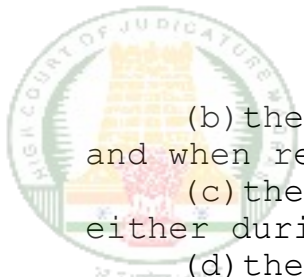
5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the defacto complainant went to the petitioners' house and asked her sridhana articles, at that time, the petitioners said to have harassed the defacto complainant and abused her with filthy language and also physically assaulted her and driven out her from the matrimonial home. Hence, he opposed this petition.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioners are ready to hand over the sridhana articles, but the defacto complainant refused to receive it. Considering the above circumstances and it is matrimonial dispute and there is no other serious allegation against the petitioners, hence, I am 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, Manapparai, Trichy 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

<https://hdservices.mca.gov.in/hdservices/> 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/-

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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,
MANAPPARAI, TRICHY DISTRICT.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.9178 of 2020

Date :03/09/2020

vsg

AE/VR/SAR-II (09.09.2020) 3P 5C

<https://hcservices.ecourts.gov.in/hcservices/>