



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9435 of 2020

1.R.Senthil Kumar
2.Ashtaishwari
3.Pavithira Meenalochani

... Petitioners/Accused
Rank.1 to 3

Vs

State Rep.by
The Inspector of Police,
West Police Station,
Virudhunagar District.
Crime No.559 of 2020

... Respondent/Complainant

For Petitioners: Mr.R.Chandrasekar,
Advocate.

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

For Intervenor : Mr.K.Sathis Kumar, Advocate

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

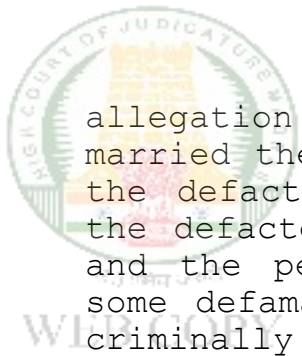
PRAYER :-

For Anticipatory Bail in Crime No.559 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 506(i) of IPC and Section 67 of the Information Technology Act 2000, in Crime No.559 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are relatives of the defacto complainant. The first petitioner is the brother of the defacto complainant's husband and the second petitioner is the wife of the first petitioner and the third petitioner is the daughter of the first and second petitioners. The



allegation against the petitioners is that the defacto complainant married the first petitioner's brother. Due to some family dispute, the defacto complainant left the matrimonial house. On 06.06.2020 the defacto complainant received a phone call from the petitioners and the petitioners threatened the defacto complainant by saying some defamatory words and also sent a message to social media and criminally intimidated her. Hence, a complaint has been registered.

3.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 and they have been falsely implicated in this case. He further submitted that it is a case in counter. Earlier the petitioners have been abused by the defacto complainant and hence, the second petitioner has given a complaint against the defacto complainant and the same was registered in Crime No.1027 of 2020. As a counter blast, the present complaint has been filed. Hence, he prayed for grant of anticipatory bail to the petitioners.

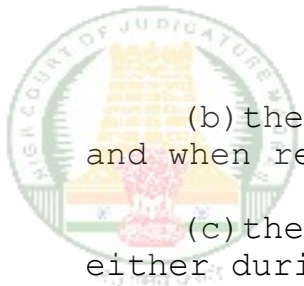
4.Per contra, the learned counsel for the intervenor has submitted that defacto complainant is the close relative of the petitioners. The defacto complainant's husband and his family members have criminally intimidated her and false complaint was given against her. Hence, he strongly opposed this petition.

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

6.Considering the facts and circumstances of the case and also considering the rival submission made on either side and on perusal of FIR, it is seen that due to family dispute there is a wordy quarrel between the parties and apart from that, no serious allegation is found as against the petitioners, 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 No.I, Virudhunagar, 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/-
08/09/2020

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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.I, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
WEST POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.9435 of 2020
Date :08/09/2020