



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.10162 of 2020

1.M.Vishnuvardhanraj
2.Mohanraj
3.M.Kathirkamakani

... Petitioners/Accused Nos.1 to 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thoothukudi.
(Crime No.33 of 2020)

... Respondent/Complainant

Devikala

... Petitioner/ Intervener

For Petitioners: Mr.Aayiram K.Selvakumar, Advocate.
For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)
For Intervenor : Mr.S.Ramasamy, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.33 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 506(i) IPC, in Crime No.33 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the first petitioner was solemnized on 05.12.2016. Thereafter, in the year 2017 the first petitioner has quit his job and then both led their matrimonial life at the first petitioner's house, Thoothukudi. While so the defacto complainant working at AVM, Rajesh and Be Well Hospitals, Thoothukud, the first petitioner and his parents tortured the defacto complainant and used foul language against her and demanded money. Based on the



complaint given by the defacto complainant, the case has been registered.

3.The learned counsel appearing for the petitioners submitted that all the allegation stated in the FIR is concocted version of the defacto complainant. In order to harass the petitioners she made a complaint before the All Women Police Station, Vadapalani, Chennai against the petitioners on 15.03.2020 and the petitioners 1 and 2 appeared for enquiry and the same was settled. But the defacto complainant made this complaint before the respondent police for the same allegation against the petitioners, after knowing the news of filing of the divorce petition.

4.The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that due to matrimonial dispute between the first petitioner and the defacto complainant this present complaint is made.

5.Considering the facts and circumstances of the case and also considering the fact that there is a matrimonial dispute between the first petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Thoothukudi, Thoothukudi District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 first petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter 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/-
12/10/2020

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

ORDER
IN
CRL OP(MD) No.10162 of 2020
Date :12/10/2020

MS/PN/SAR-4/16.10.2020/3P.5C