



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.11253 of 2020

1.Muthaiah @ Mutaiah
2.Vijayalakshmi
3.Malathi
4.Mathivanan

... Petitioners/A2 to A5

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
Crime No.10 of 2020

... Respondent/Complainant

For Petitioners: Mr.M.Shakul Hameed,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under section 31 of Domestic Violence Act, 2005, in Crime No.10 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the learned Judicial Magistrate, Karaikudi under the Domestic Violence Act in M.C.No.54 of 2015. The learned Magistrate, by order dated 05.04.2019, directed the first accused to pay a sum of Rs.10,000/- as monthly maintenance before 5th of every month and the accused Nos.1 to 5 are directed to pay a sum of



Rs.1 lakh to defacto complainant as compensation. Even then the respondents did not comply the order and as such the defacto complainant filed a petition in M.P.No.6520 of 2019 under Section 31 of Domestic Violence Act. Because of non compliance of order the present FIR has been registered as against the petitioners and another.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioners filed a petition for advance hearing in Cr.M.P.No.2133 of 2020 in M.C.No.54 of 2015 on the file of the learned Judicial Magistrate, Karaikudi on 09.10.2020 and also to paid a sum of Rs.1,00,000/- (Rupees One lakh only) as directed by the learned Magistrate by order dated 05.04.2019.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners herein complied the order passed by the learned Judicial Magistrate, Karaikudi under the Domestic Violence Act, 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, Karaikudi, 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:

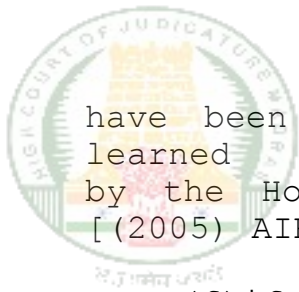
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the 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/-
13/10/2020

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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,
KARAIKUDI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11253 of 2020
Date :13/10/2020

VSD
SRS/ SMA/SAR-IV/ 19.10.2020/ 3P/5C