



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/10/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.11502 of 2020

1. Kanimozhi,
2. P. Mookkamayan
3. Kalavathi
4. Tamil Udayan
5. K. Mahendran, ... Petitioners/Accused Nos 1 to 5

Vs

The Inspector of Police,
Uthamapalayam Police Station, Theni District.
In Crime No. 1791/2020. ... Respondent/Complainant

For Petitioners: M/s.Babu Rajendran,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

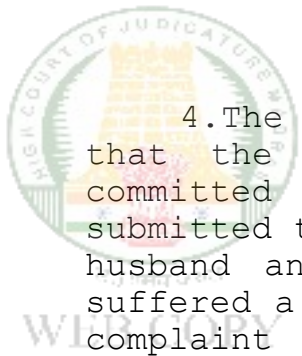
PRAYER :- For Anticipatory Bail in Crime No.1791 of 2020 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 111, 120 (B), 294(b), 326, 340, 383 and 506(ii) of IPC, in Crime No.1791 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that duo to money dispute between the 1st petitioner and the defacto complainant, the 1st petitioner has given poison to the defacto complainant with 'kapasurakudineer' for intending to grab the properties of the defacto complainant.

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 not committed any offence as alleged by the prosecution. He further submitted that the 1st petitioner and the defacto complainant are the husband and wife. From the date of marriage, the 1st petitioner suffered a lot of mental cruelty. Hence, the 1st petitioner lodged a complaint against the defacto complainant in Crime No.8 of 2018, which was charge sheeted in C.C.No.388 of 2018 and also filed a Domestic Violence Petition in D.V.O.P.No.33 of 2018. At this juncture, the defacto complainant approached the petitioners 1 to 4 and requested to withdraw all the cases. Believed his words, a compromise quash petition was filed before the this Court in Crl.OP (MD)No.4396 of 2020 and the same was allowed on 11.03.2020. After withdrawal of the cases, the defacto complainant consumed poison himself and set up a drama on 26.05.2020. He further submitted that the occurrence took place on 26.05.2020. But the present complaint was lodged only on 14.09.2020. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there are totally five accused. All the accused and the defacto complainant are family members. The 1st petitioner and the defacto complainant are the husband and wife. Petitioners 2 & 3 are parents and the 4th petitioner is the brother of the 1st petitioner. The 5th petitioner is the father-in-law of the 4th petitioner. The defacto complainant was working in abroad and he sent a sum of Rs.25,00,000/- to his wife/1st petitioner. After he returned to India, he asked about the same. Duo to which, there was a wordy quarrel between them. Further he submitted that the 1st petitioner invested the aforesaid amount to his brother's business, who is the 4th petitioner herein and the defacto complainant also filed a divorce petition in H.M.O.P.No.73 of 2016 before the Sub Judge, Uthamapalayam and the same is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place on 26.05.2020 and the same was lodged only on 14.09.2020, this Court is 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 The Judicial Magistrate, Uthamapalayam, 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 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 1st petitioner shall report before the respondent police daily at 10.30 a.m without fail for a period of three 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/-

16/10/2020

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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, UTHAMAPALAYAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3. THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BABU.RAJENDRAN, Advocate (SR-7106[I] dated 19/10/2020)

ORDER IN
CRL OP(MD) No.11502 of 2020
Date : 16/10/2020

DSS

<https://hccs.csls.gov.in/Services/22.10.2020> 3P 6C