



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

Date : 05/11/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.12459 of 2020

1. Antonydoss Hatlee
2. Antony Pitchai
3. Santhana Kolin

... Petitioners/Accused 1 to 3

Vs

State, represented by
The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District,
Crime No. 437 of 2020.

... Respondent/Complainant

For Petitioners : Mr.M.Saravanan,
Advocate.

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

For Intervener : Mr.P.M.Vishnuvarthanan, Advocate

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

PRAYER :-

For Anticipatory Bail in crime No. 437 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos. 1 to 3, apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 323, 506(ii), 379 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.437 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the first petitioner and the defacto complainant. Due to which, the petitioners went to the defacto complainant's house and abused her with filthy language and also attacked her. Further, the petitioners/accused persons said to have snatched the gold jewels from the defacto complainant and also threatened her with dire consequences. Hence, the present complaint.



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.

4.The learned counsel appearing for the intervenor submitted that on the date of occurrence, the petitioners went to the defacto complainant's house and abused the defacto complainant and also threatened her with dire consequences. They have also snatched the jewels of the defacto complainant. Hence, he opposed to grant of anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it was a matrimonial dispute.

6.Taking note of the facts and circumstances of the case, 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 two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Tiruchendur 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 alone 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.



8.The respondent police is directed to conduct an investigation in respect of the jewels and cash belongs to the defacto complainant available with the first petitioner herein.

sd/-
05/11/2020

WEB COPY

/ 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, TIRUCHENDUR.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-7358[I] dated 06/11/2020)
+1 CC to M/s.P.M.VISHNU VARTHANAN, Advocate (SR-7336[I] dated 05/11/2020)

ORDER
IN
CRL OP(MD) No.12459 of 2020
Date :05/11/2020

das
AE/SMA/SAR-III (11.11.2020) 3P 7C