



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

Date : 18/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12751 of 2020

1. Rajkumar
2. Jeyaram
3. Rajam
4. Singara Devi
5. Maheswari

... Petitioners/Accused Nos.1 to 5

Vs

The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.
in Crime No.36 of 2020.

... Respondent/Complainant

For Petitioners : Mr.R.Jenifar Bibin,Advocate.

For Respondent : Mr.R.Erottu Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Palani Velayutham, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.36 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 385, 354-D(2), 506(i) and 34 of I.P.C., in Crime No.36 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that on 26.07.2019 the marriage was solemnized between the defacto complainant and the



first petitioner. Due to misunderstanding, the brother of the defacto complainant filed a divorce petition. When the petitioners came to know about the same, they compelled the defacto complainant to bring jewels and money from the parental home. When the defacto complainant refused to do so, the petitioners threatened the defacto complainant with dire consequences. Hence, the complaint.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

5.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

6.Taking into consideration 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 fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Madurai, 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 daily at 10.00 a.m., for a period of two 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/11/2020

/ TRUE COPY /

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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 JUDGE,
ADDITIONAL MAHILA COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.JENIFAR BIBIN, Advocate (SR-7521[I] dated 18/11/2020)

ORDER
IN
CRL OP(MD) No.12751 of 2020
Date :18/11/2020

MS/VR/SAR-4/20.11.2020/3P.5C