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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/11/2020

PRESENT

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

CRL OP(MD).No.13104 of 2020

1.Malaiappan
2.Periya Gurusamy
3.Guruvammal
4.Mahalakshmi
5.Anthoniyammal

... Petitioners/Accused No.1to5

Vs

The State rep. by
The Inspector of Police,
All Women Police Station(AWPS)
Sankarankovil,
Thenkasi District.
(In Cr.No.14 of 2020)

...Respondent/Complainant

For Petitioners: Mr.R.Karunanidhi,
Advocate.

For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.14 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 498(a), 294(b) and 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.14 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the first petitioner and the defacto complainant,

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the petitioners have threatened the defacto complainant with dire consequence and abused her with filthy language. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners submitted that the defacto complainant is the wife of the first petitioner and other petitioners are in-laws of the defacto complainant and they have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the fact and circumstances of the case, 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, Sankarankovil, Thenkasi 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 petitioners shall report before the respondent police daily at 10.00 a.m. without fail 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.

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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,
SANKARANKOVIL,
THENKASI DISTRICT.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (AWPS),
SANKARANKOVIL,
THENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13104 of 2020
Date :19/11/2020

VSD
SRS/AKM/SAR-IV/24.11.2020/3P/5C