



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

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PRESENT

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

CRL OP(MD). No.13716 of 2020

1. Selvan Jeyakumar
2. Lourthus
3. Mary Vimala Rose
4. Flarance Mary

...Petitioners/1st to 4th Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District.
Crime No. 31/2020.

... Respondent/Complainant

For Petitioners: M/s.S.C.Herold Singh,
Advocate.

For Respondent : M/s.M.AnanthaDevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.31 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 506 (i) of IPC and Section 4 & 5 of Dowry Prohibition Act, 1961, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were said to have abused the defacto complainant by using filthy language and also threatened her with dire consequences. Due to which, the defacto complainant was driven out of the matrimonial home along with her children. Hence, the complaint.

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

<https://hcservices.ecourts.gov.in/hcservices/>



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the A1 filed IDOP.No.441 of 2018 before the learned District Judge, Kanyakumari District, and the defacto complainant has filed her counter in IDOP. Further, she sent a notice for restitution of Conjugal Rights. While being so, she given a present complaint as against the petitioners. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners were said to have abused the defacto complainant by using filthy language and also threatened her with dire consequences. Due to which, the defacto complainant was driven out of the matrimonial home along with her children.

6.Considering the facts and circumstances of the case, I am 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 learned Judicial Magistrate Court, Eraniel, 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:

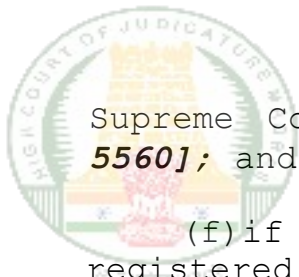
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the 1st petitioner shall report before the respondent police daily at 10.30 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.

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

ORDER
IN
CRL OP(MD) No.13716 of 2020
Date : 01/12/2020

DSS
SRS/JC/SAR-III/04.12.2020/3P/5C