



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2020

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PRESENT

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

CRL OP(MD). No.15307 of 2020

1. S.Madhan Kumar
2. P.Subramanian
3. S.Pushpalatha
4. Kokila
5. S.Manojkumar
6. S.Karthik

... Petitioners/Accused No.1to6

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
(Crime No. 65/2020).

... Respondent/Complainant

For Petitioners: M/s.Saravanan.P,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 65 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 6, apprehending arrest at the hands of the respondent police for the offences punishable under section 498-A I.P.C., on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the other petitioners are the in-laws of the defacto complainant. The petitioners are harassing the defacto complainant for the purpose of marriage to be held between her own sister and the first petitioner. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal 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 and they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the petitioners are harassing the defacto complainant for the purpose of second marriage to be held between her own sister and the first petitioner.

6. Considering 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 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 **first petitioner/A1** 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 and the other **petitioners/ A2 to A6** 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.

sd/-

21/12/2020

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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 JUDGE,
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.P.SARAVANAN, Advocate (SR-8374[I] dated 21/12/2020)

ORDER

IN

CRL OP(MD) No.15307 of 2020

Date :21/12/2020

LS

SRS/KV/SAR-II/28.12.2020/3P/5C