



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19501 of 2021

1 V.SASIKUMAR [PETITIONERS / ACCUSED]
2 V.JHONSI RANI
3 M.VENKATESAN
4 S.GOKILA
5 V.MOHAN KUMAR
6 M.THANGAM

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM,
SALEM DISTRICT.
CRIME NO.37 OF 2021

For Petitioners : M/S. T.BALACHANDRAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 323 & 506(1) of I.P.C in Cr.No.37 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the marriage was performed between the De-facto Complainant and they were blessed with one male child. Thereafter due to a wordy quarrel between the De-facto Complainant and A1 who is the husband of the De-facto Complainant along with the other petitioners/A2 to A6 who are the in laws of the De-facto Complainant had mentally as well as physically abused her. Hence the De-facto Complainant lodged a complaint before the law enforcing agency against the petitioners.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that A1 has filed Restitution of Conjugal Rights petition before Sub-Court, Kallakurichi in H.M.O.P.No.130 of 2021 against the De-facto Complainant aggrieved by the same the De-facto Complainant has filed a Divorce Petition against A1 before the Family Court, Salem in H.M.O.P.No.477 of 2021. He further submitted that there is no serious allegations levelled against the petitioners and hence he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases against the petitioners.

5. A perusal of the complaint reveals that serious allegations have been levelled against A1 and therefore this Court is not inclined to grant anticipatory bail to A1. However as there is no specific overtact/allegation made against the other petitioners/A2 to A6, this Court is inclined to grant anticipatory bail to the petitioners/A2 to A6.

6.Accordingly, the petitioners/A2 to A6 are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Fast Track Court, Kallakurichi on condition that the petitioners/A2 to A6 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners/A2 to A6 failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(c)the petitioners/A3 & A5 shall report before the respondent police daily at 10.30 a.m. until further orders; Whereas the Petitioners/A2, A4 & A6 shall report before the respondent police as and when required before the respondent police;

(d)the petitioners/A2 to A6 shall not tamper with evidence or witness either during investigation or trial;



(f) the petitioners/A2 to A6 shall not abscond either during investigation or trial;

(g) 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/A2 to A6 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;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE
FAST TRACK COURT, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. T.BALACHANDRAN Advocate on payment of necessary charges SR.NO.11778

CRL OP.19501/2021

Date :25/10/2021

JPA 01/11/2021