



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20413 of 2021

1 SELVAKUMAR
2 SUTHA

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
SIRKALI POLICE STATION,
MAYILADUTHURAI DISTRICT
CRIME NO.1300 OF 2021

[RESPONDENT]

For Petitioners : M/S.M.MUTHUKRISHNAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) of the IPC, in Crime No.1300 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the husband of the 2nd petitioner and they have got two children. The 1st petitioner is the brother of the 2nd petitioner. On 20.10.2021 at about 8.30 p.m., the 1st petitioner came to the house of the defacto complainant. At that time, the 2nd petitioner complained him about the defacto complainant that he drinks and beats her every day and asked him to finish him off. Hence, the 1st petitioner assaulted the defacto complainant on his head and legs with iron rod. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would submit that the marriage between the defacto complainant and the 2nd petitioner took place 20 years ago and that they have two children and the fact remains that during a family dispute, the 1st petitioner advised the defacto complainant. Aggrieved by the same, a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate appearing for the respondent police raised formal objection.

5.Considering the fact that the petitioners are the brother in law and wife of the defacto complainant and that there was a family dispute between them, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sirkali, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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) the petitioners and 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;

(b) the petitioners shall appear 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
11/11/2021

WEB COPY

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,
SIRKALI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
SIRKALI POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MUTHUKRISHNAN Advocate on payment of necessary charges SR.NO.12666

CRL OP.20413/2021

Date :11/11/2021

JPA 18/11/2021