



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1003 of 2021

1. Sivaperumal
2. Esakkimuthu
3. Jeans @ Sivantha Selvan
4. Senthil @ Vadivel Murugan ... Petitioners/Accused Nos.1 to 4

Vs

The Inspector of Police,
Thiruchendur Town Police Station,
Thiruchendur, Thoothukudi District.
Crime No. 29 of 2021.

... Respondent/Complainant

For Petitioners: Mr.A.Mohamed Haneef,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

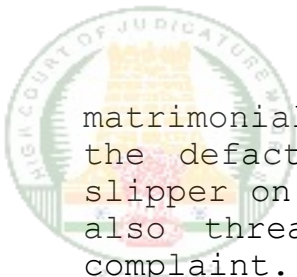
PRAYER :-

For Anticipatory Bail in Crime No.29 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 355, 294(b) and 506(ii) of IPC, and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No.29 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that three months prior to the occurrence, the first petitioner was in love with the aunty's daughter of the defacto complainant viz., Chinna Ponnu and married her. Thereafter, on the instigation of the petitioners 2 to 4, the first petitioner has deserted the said Chinna Ponnu from the



matrimonial home. Due to which, the petitioners said to have abused the defacto complainant by using filthy language and thrown the slipper on the defaco complainant's shoulder and caused injuries and also threatened him with dire consequences. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioners submitted that prior to the complaint, the first petitioner has agreed for marriage with the defacto complainant's aunty's daughter viz., Chinna Ponnu. Thereafter, the first petitioner and his family members came to know that the said Chinna Ponnu had love affair with another person. Therefore, the petitioner and his family members refused for marriage. He further submitted that the first petitioner has also sent representation to the Superintendent of Police and other officials against the the defacto complainant for the reason that she has pressurised the first petitioner to marry the said Chinna Ponnu. Due to that motive, the defacto complainant has lodged the present complaint and falsely implicated the petitioners as accused in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to previous enmity, the occurrence said to have taken place.

6.On perusal of the records, it is seen that the the first petitioner has agreed for marriage with the defacto complainant's aunty's daughter viz., Chinna Ponnu. Thereafter, the first petitioner and his family members came to know that the said Chinna Ponnu had love affair with another person. Therefore, the petitioner and his family members refused for marriage. It is also seen that the first petitioner has also sent representation to the Superintendent of Police and other officials against the the defacto complainant for the reason that she has pressurised the first petitioner to marry the said Chinna Ponnu.

7.Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, due to previous enmity, the occurrence said to have taken place and except quarrel, there is no other serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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

<https://hdservices.ecourts.gov.in/eservices/MSA>



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:

WEB COPY (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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/01/2021

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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, TIRUCHENDUR.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,

THE COURT HOUSE, TIRUCHENDUR.



3. THE INSPECTOR OF POLICE,
THIRUCHENDUR TOWN POLICE STATION,
THIRUCHENDUR, THOOTHUKUDI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1003 of 2021

Date : 29/01/2021

vsg

AE/SMA/SAR-III (04/02/2021) 4P / 5C