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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD)Nos.2027 and 2129 of 2021

P.Shrinivas

... Petitioner/1st Accused
in CRL OP(MD)No.2027 of 2021

1.Subhashini
2.Sumathi

... Petitioner/Accused 2 & 3
in CRL OP(MD)No.2129 of 2021

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thilagar Thidal, Madurai.
Crime No.4/2021

... Respondent/Complainant
in Both Petitions

For Petitioner : Mr.B.Kumarasamy, Advocate.
in CRL OP(MD)No.2027 of 2021

For Petitioners: Mr.B.Gopalakrishnan, Advocate.
in CRL OP(MD)No.2129 of 2021

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)
in Both Petitions

For Intervener : Mr.K.Elangovan, Advocate.
in Both Petitions

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.4/2021 on the file of the
Respondent police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel for the petitioners, the learned
counsel for the intervener and the learned Government Advocate (Crl.
Side) for the respondent.



2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 498A, 406, 294(b), 323 and 506(i) of I.P.C., in Crime No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

3. Mr.P.Shrinivas got married to the defacto complainant / Sathiyapriya on 24.08.2018 at Coimbatore. The relationship between the parties had come under strain. The husband filed H.M.O.P.No.106 of 2021 before the Family Court, Hyderabad, seeking dissolution of the marriage. Thereafter, the Crime No.4 of 2021 has been registered on the file of the Inspector of Police, All Women Police Station, Thilagar Thildal. Therefore, these criminal original petitions have been filed for the relief of anticipatory bail. P.Shrinivas is the petitioner in Crl.O.P.(MD)No.2027 of 2021 and his mother and aunt are petitioners in Crl.O.P.(MD)No.2129 of 2021.

4. I made it clear that I would inclined to grant relief to the petitioners only if Shrinivas is willing to conduct the matrimonial proceedings against his wife before the jurisdictional Court at Madurai and that he should not vex the woman by dragging her to Hyderabad for contesting the H.M.O.P. The learned counsel appearing for Shrinivas on instructions submitted that the husband would withdraw H.M.O.P.No.106 of 2021 filed before the Family Court, Hyderabad with liberty to file H.M.O.P., before the Family Court, Madurai.

5. Recording the said submission, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the Additional Mahila Court, Madurai, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners shall report before the respondent police as and when required for interrogation;



[c]the petitioners shall not abscond either during investigation or trial;

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial;

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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/06/2021

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/ /2021
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 ADDITIONAL MAHILA JUDGE, MADURAI.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL, MADURAI.

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

+1 CC to M/s.B.KUMARASAMY, Advocate (SR-3965[I] dated 14/06/2021)

ORDER IN
CRL OP(MD)Nos.2027 and
2129 of 2021
Date :11/06/2021

IAS
TK/PN/SAR.3/18.06.2021/3P/5C

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