



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2877 of 2021

1. Thangavel
2. Jeevarathinam
3. Umamageswari
4. Balamurugan

... Petitioners 1 to 4/
Accused 2 to 5

Vs

The State Rep. by
The Inspector of Police,
AWPS Thallakulam,
Madurai City,
Madurai.

... Respondent/Complainant

For Petitioners: Mr.Mohan Kumar.G.,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 31/2019 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.31 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners said to have abused the defacto complainant by using filthy language and also threatened her with dire consequences and demanded additional dowry. Hence, the present complaint.



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 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 prayed for grant of anticipatory bail to the petitioners.

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

6. This is the second application and this Court has already granted anticipatory bail to the very same petitioners. But, they were unable to execute the sureties. Considering the facts and circumstances of the case and also considering the fact that due to matrimonial dispute, the occurrence said to have taken place and there is no demand of dowry, 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 learned Judicial Magistrate (Additional 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 petitioners 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.

(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



(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
26/02/2021

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,
(ADDITIONAL MAHILA COURT),
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
AWPS THALLAKULAM,
MADURAI CITY,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.G.MOHAN KUMAR, Advocate (SR-1546[I] dated 26/02/2021)

ORDER
IN
CRL OP(MD) No.2877 of 2021
Date :26/02/2021
(1/2)

VSG
TE/JC/SAR-I : 03/03/2021 : 3P/6C