



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3743 of 2021

1. Balaji
2. Rajalakshmi ... Petitioners/Accused Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
Kattuputhur Police Station,
Kattuputhur, Trichy District.
Crime No. 67/2021. ... Respondent/Complainant

For Petitioners: Mr.K.Arunraj,
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. 67 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 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 498(A), 506(ii) and 307 of IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.67 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are the husband and wife. Due to family 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 harassed her and also demanded dowry from the defacto complainant. 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. He further submitted that it is a case in counter, earlier the first petitioner has been attacked by the defacto complainant and hence, he has given a complaint against her and the same was registered in Crime No.68 of 2021, for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC r/w Sections 3(1)(2c) and 3(2)(va) of SC and ST Act. As a counter blast, the present complaint has been filed. 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 it is a case in counter. He further submitted that due to family dispute, the occurrence said to have taken place.

6. On perusal of the materials available on records, It is seen that the petitioner has been brutally attacked by his father-in-law and brother-in-law and hence, he has lodged a complaint against them and the same has been registered in Crime No.68 of 2021 for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC r/w Sections 3(1)(2c) and 3(2)(va) of SC and ST Act. The first petitioner had love marriage with the defacto complainant, which was objected by the defacto complainant's parents. Thereafter, they have 1½ years old baby. The second petitioner is the mother of the first petitioner. Since she is a widow, the first petitioner has to take care of his mother. When the same was refused by the defacto complainant, the fight arose between the first petitioner and the defacto complainant. Due to which, the first petitioner was brutally attacked by the defacto complainant's father.

7. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and due to family dispute, the occurrence said to have taken place, 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 the learned Judicial Magistrate, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with common surety 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

<https://hccservices.court.gov.in/hccservices/> 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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, MUSIRI.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,
KATTUPUTHUR, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3743 of 2021

Date : 17/03/2021

vsg

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