



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4508 of 2021

1.K.Balasubramani
2.K.Lakshmi

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station Cantonment,
Trichy City.
Crime No.4/2021.

... Respondent/Complainant

For Petitioners : Mr.D.S.Haroon Rasheed,
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. 4 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 494, 294(b) and 506(i) IPC in Crime No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the second petitioner is the mother-in-law of the defacto complainant. Due to matrimonial dispute, the present complaint came to be lodged.

3.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 petitioner.



4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a matrimonial dispute and the investigation is pending.

5.It is seen that the first petitioner is the husband and the second petitioner is the mother-in-law of the defacto complainant. Prior to the complaint, the defacto complainant filed maintenance petition in MC.No.67 of 2016 before the learned Chief Judicial Magistrate, Kumbakonam and the same was ordered on 29.08.2018, in which a finding was given that the defacto complainant had voluntarily left the matrimonial home and hence, maintenance was not ordered to her and for the minor child, Rs.1,500/- was ordered. Against which, the defacto complainant filed Crl.RC.No.61 of 2018 before the learned Additional District Judge, Kumbakonam, in which Rs.3,000/- was ordered for the minor child. Further, it is seen that the sridhana articles as well as jewels were already received by the defacto complainant.

6.In view of the above, 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 Additional Mahila Court(JM), Trichy 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 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



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

sd/-
24/03/2021

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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 JUDGE,
ADDITIONAL MAHILA COURT(JUDICIAL MAGISTRATE), TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION CANTONMENT,
TRICHY CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4508 of 2021
Date :24/03/2021

GNS
TK/PN/31.03.2021/3P/5C