



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

Date : 05/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.4738 of 2021

1. Sagadevan,
2. Kannathasan,
3. Tamilselvan, ... Petitioners/Accused Nos.1 to 3

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
Crime No. 8 of 2020

... Respondent/Complainant

For Petitioners : M/s.Arunraj.K.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 8 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 323, 494 and 498(A) I.P.C in Crime No.8 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the other petitioners are in-laws of the defacto complainant. The petitioners caused cruelty against the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the marriage between the first petitioner and the defacto complainant was solemnized in the year 2017, out of misunderstanding, the defacto complainant is living separately and she filed an application for maintenance in the year 2018 and another D.V.C. Proceedings in the year 2019 and the present complaint was lodged in the year 2020.

5.Taking into consideration of the facts and circumstances of the case and the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall report before the respondent police daily at 10.30 a.m until further orders. The petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with the 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.



6.The respondent police shall take steps for possibility of reunion among the parties by referring the matter to the social welfare or by conducting a mediation between the parties.

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sd/-
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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

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
THIRUVAIYARU
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUVAIYARU,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4738 of 2021
Date :05/08/2021

PKP/PN/SAR-3/23.08.2021/3P/5C