



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.4931 of 2021

1.Mohanan
2.Reema J. Nair

... Petitioners/Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District
Cr No. 110/2021.

... Respondent/Complainant

For Petitioner : M/s.Sasi Kumar.V.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 110 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 448,
342, 307, 506(i) IPC and Section 4 of the Prohibition of Harassment
of Women Act in Crime No.110 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 husband and wife and they got married 20
years back. After marriage, the first petitioner used to come house
after consuming alcohol and beaten the defacto complainant. On
04.03.2021 the first petitioner came with petrol can and poured on
the defacto complainant and attempted to set fire. Hence, the
complaint.



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 petitioners.

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

5.It is seen that the first petitioner and the defacto complainant are husband and wife and they have together for the past 20 years. The first petitioner is having a habit of consumption of alcohol and due to which, he harassed the defacto complainant. Further, he used to claim that the second petitioner, who is the sister of the first petitioner, is a Panchayat President and nothing can happened to him. On the date of occurrence, the petitioner is said to have poured petrol on the defacto complainant and attempted to set fire. On the contrary, it is seen that the petitioner had admitted in the hospital with 25% burn injury and took treatment and discharged from the hospital on 15.03.2021.

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 learned Judicial Magistrate No.II, Kuzhithurai, 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:

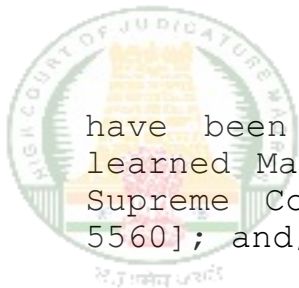
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 5560]; and;

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

sd/-
31.03.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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 NO.II,
KUZHITHURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL
3. THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.V.SASI KUMAR, Advocate (SR-2801[I] dated 31/03/2021)

ORDER
IN
CRL OP(MD) No.4931 of 2021

Date : 31/03/2021

VB/SMA/SAR-II (17/04/2021) 3P / 6c