



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5036 of 2021

1. Janani
2. Sumathi
3. Gobi
4. Palanisamy ... Petitioners/Accused Rank 1 to 4

Vs

State rep by
The Inspector of Police,
Swamimalai Police Station, Swamimalai,
Thanjavur District.
Cr.No. 978 of 2020. ... Respondent/Complainant

For Petitioner : M/s.Selvakumar V,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.978 of 2020 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 alleged offences punishable under Sections 294(b), 452, 506(ii) IPC in Crime No.978 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a father-in-law of the first petitioner. Due to matrimonial dispute, the son of the defacto complainant and the first petitioner were living separately and a petition in HMOP.No.61 of 2018 is also pending. On the marriage day of the defacto complainant's second son, the petitioners trespassed into the marriage hall and threatened the defacto complainant with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that totally there are four accused in this case and due to matrimonial dispute, the petitioners abused the defacto complainant in filthy language.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6.It is seen from the submissions made that due to the matrimonial dispute, the accused persons were said to have illegally trespassed into the marriage hall and abused the defacto complainant in filthy language. Considering the fact that it is a matrimonial dispute and it appears that the husband of the first petitioner filed a petition for divorce in HMOP.No.61 of 2018 before the Sub-Court, Kumbakonam and the same is pending, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kumbakonam on condition that the petitioner 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 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 respondent police daily at 10.30 am., 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 5560]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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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,
KUMBAKONAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM
3. THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION, SWAMIMALAI,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.V.SELVAKUMAR, Advocate (SR-2969[I] dated 08/04/2021)

ORDER
IN
CRL OP (MD) No.5036 of 2021

Date : 07/04/2021

VB/SMA/SAR-IV (16/04/2021) 3P / 6C