



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

Date : 05/05/2021

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6383 of 2021

1.S.Nivas,

2.S.Amaravathi Selvam,
(Mentioned as Amaravathy in FIR)

3.S.Soniya
(Mentioned as Sonia in FIR),

4.P.Saravanan Kumar,
(Mentioned as Saravanakumar in FIR) ... Petitioners/Accused 1 to 4

Vs

State Represented by
The Inspector of Police,
All Women Police Station, Palani,
Dindigul District
Crime No.11 of 2021.

... Respondent/Complainant

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

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

For Intervenor : Mr.Ram Sunder Vijayaraj

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

PRAYER :-

For Anticipatory Bail in Crime No. 11 of 2021 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
498-A, 294(b) and 506(ii) of IPC seek anticipatory bail.



2. The case of the prosecution is that due to matrimonial dispute, the petitioners harassed the defacto complainant, abused her in a filthy language and also threatened her with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the first petitioner is the husband of the defacto complainant, second petitioner is the mother-in-law of the defacto complainant, third petitioner is the sister-in-law of the defacto complainant and the fourth petitioner is the husband of the sister-in-law of the defacto complainant. He further submits that the petitioners are innocent persons and a false case has been foisted against them.

4. This Court heard the submission of the learned counsel appearing for the defacto complainant.

5. The learned Additional Public Prosecutor would submit that there are serious allegations against the first petitioner. Hence, except the first petitioner, he has no objection to grant anticipatory bail to the petitioners 2 to 4.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there are serious allegations against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed in respect of first petitioner.

7. Insofar as petitioners 2 to 4 are concerned, taking note of the fact that the petitioners 2 to 4 are only the in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

8. Accordingly, the petitioners 2 to 4 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, Palani, on condition that the petitioners 2 to 4 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 2 to 4 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 2 to 4 shall report before the respondent police on every Monday at 10.30 a.m. until further orders.

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioners 2 to 4 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 2 to 4 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9. In view of the above, this Criminal Original Petition is partly allowed.

sd/-

05.05.2021

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/ /2021

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

VSM

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, PALANI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALANI, DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.SASITHARAN, Advocate (SR-3640[I] dated 06/05/2021)

CRL OP(MD) No.6383 of 2021

Date : 05/05/2021