



WEB COPY

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) . Nos.7821 and 9481 of 2021

K.Muthuraman, ... Petitioner/Accused No.2 in
in Cr1.O.P(MD) .No.7821/2021

K.Sureshkumar ... Petitioner/Accused No.1 in
in Cr1.O.P(MD) .No.9481/2021

Vs

The Inspector of Police,
Awps-Tirupparankundram Police Station,
Madurai District.
Crime No-31 of 2020). ... Respondent/Complainant
in both cases

(In both cases)

For Petitioners : M/s. Karunanithi.M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Cr1.Side)

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

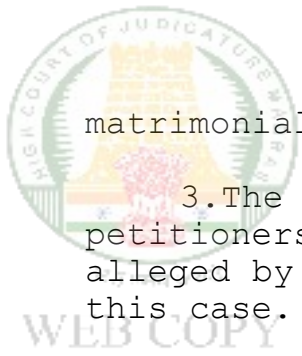
PRAYER :-

For anticipatory bail in Crime No.31 of 2020 on the file of the
respondent police

COMMON ORDER : The Court made the following order :-

The petitioners/A1 & A2, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 498(A), 406 and 506(i) I.P.C, in Crime No.31 of 2020 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused is the
husband of the defacto complainant and the second accused is the
brother-in-law of the first accused. Due to matrimonial dispute, the
petitioners assaulted the defacto complainant and forced to leave



matrimonial home. 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 accused and the defacto complainant was solemnized in the year 2009. Due to misunderstanding between themselves, the defacto complainant has filed the HMOP proceedings and the same is pending and the present complaint was lodged in the year 2020.

5.Taking into consideration 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, these Criminal Original Petitions are 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 Additional Mahila Court, Madurai 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 accused no.1 shall report before the respondent police daily at 10.30 a.m until further orders. The accused no.2 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.

sd/-
05/08/2021

/ TRUE COPY /

/ /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 ADDITIONAL MAHILA COURT
MADURAI
- 2 THE INSPECTOR OF POLICE
AWPS-TIRUPPARANKUNDRAM POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 Cc to M/S.KARTHIKEYAVENKITACHALAPATHI, Advocate (SR-5146[I]
dated 06/08/2021)

+1 Cc to M/S.KARTHIKEYAVENKITACHALAPATHI, Advocate (SR-5147[I]
dated 06/08/2021)

ORDER
IN
CRL OP(MD) Nos.7821
and 9481 of 2021
Date :05/08/2021

PKP/JC/SAR-2/24.08.2021/3P/6C