



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6810 of 2021

1. Sahayaraj
2. Pushparani
3. Nivetha

... Petitioners/Accused No.2 to 4

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.
Crime No.10/2021.

... Respondent/Complainant

For Petitioners : Mr.D.Balamurugapandi
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

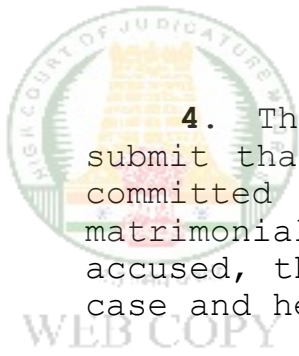
PRAYER :- For Anticipatory Bail in Crime No.10/2021 on the file of the respondent police.

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 294 (b), 498 (A), 406 and 506 (ii) of I.P.C., on the file of the respondent police in Crime No.10 of 2021, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the first accused is the husband of the de facto complainant. Due to matrimonial dispute between the de facto complainant and the first accused, the petitioners abused the de facto complainant by using filthy language and also threatened her with dire consequences, demanding dowry. Hence, the complaint.



4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and due to the matrimonial dispute between the *de facto* complainant and the first accused, the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

5. The learned Additional Public Prosecutor, appearing for the respondent Police, on instructions, submitted that the first accused / husband of the *de facto* complainant was arrested and remanded to judicial custody.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. At this juncture, the learned counsel appearing for the petitioners would submit that the third petitioner is now pregnant and she may not be in a position to appear before the respondent Police.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned District Munsif cum Judicial Magistrate, Vadipatti, Madurai District and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a) 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 1 and 2 shall appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders; Since the third petitioner is now pregnant, she is directed to 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/05/2021

/ TRUE COPY /

/ /2021

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

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-3710[I] dated 20/05/2021)

ORDER

IN

CRL OP(MD) No.6810 of 2021

Date :19/05/2021

TSG/TM

MS/PN/SAR-3/25.05.2021/3P.6C

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