



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

Date : 21/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6827 of 2021

1.Muthumari
2.Jothi
3.Ganesan

... Petitioners/Accused Nos.2 to 4

Vs

The State rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District.
Crime No.49/2021.

... Respondent/Complainant

For Petitioners : Mr.S.Selvakumar,
Advocate.

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

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

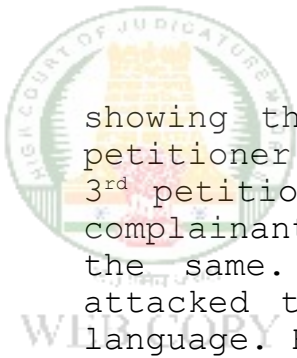
PRAYER :- For an Anticipatory Bail in Crime No.49 of 2021 on the file of the respondent police.

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 294(b), 323, 417, 376, 420, 509 and 506(i) IPC in Crime No.49 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the defacto complainant is a deaf and dumb and was deserted by her husband. The first accused along with these petitioners borrowed a sum of Rs.10/- lakhs from the defacto complainant. In this circumstance, the first accused took photos closely with the defacto complainant and by



showing the same, he had physical relationship with her. The 1st petitioner herein is the wife of the first accused and the 2nd and 3rd petitioners are parents of the first accused. When the defacto complainant asked the first accused to refund the money, he refused the same. The first accused along with these petitioners have attacked the defacto complainant and also abused her with filthy language. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

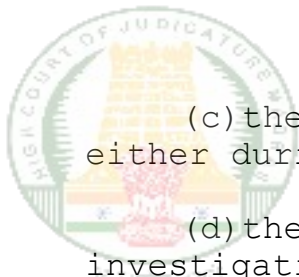
5.The learned Additional Public Prosecutor, on instructions, would submit that when the defacto complainant asked the first accused to refund the amount, these petitioners have assaulted the defacto complainant.

6.Reading of FIR as well as the submission of both counsels, it is seen that the allegation is levelled only against the first accused. The only allegation against these petitioners is that they have assaulted the defacto complainant with hands. Except this, there is no overt act against these petitioners. Therefore, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7.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] with two common 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, Peraiyur, Madurai District and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two common 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 shall appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;



(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;

WEB COPY (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/-
21/05/2021

/ 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,
PERAIYUR, MADURAI DISTRICT.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION, MADURAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.6827 of 2021
Date :21/05/2021

MSA/GNS
AE/PN/SAR-III/26.05.2021/3P/5C

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