



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice G.CHANDRASEKHARAN

CRL OP (MD) No.7768 of 2021

1. Uma Nachiyar

2. Vasanthan

... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.

Crime No. 260 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Niranjan S.Kumar, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

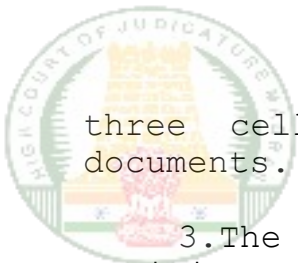
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.260 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 alleged offences punishable under Sections 294(b), 323, 506(i) and 379 IPC in Crime No.260 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and A1 are husband and wife. Out of wedlock they have two sons, Praveen Venkatesh and Krishna Sundar. Due to matrimonial discard, the defacto complainant filed divorce petition in HMOP.No.59 of 2019 against A1 on the file of the Family Court, Sivagangai and it is pending. A1 had suspected about his fidelity and picked up quarrel with him. When 13.02.2021, he was at room in Krishna Residency, at about 12.30 pm., the accused in this case came there with two more persons, scolded him in filthy language and attacked him with hands and torn his shirt and took his bag along with key of the car bearing Registration No.TN 02 Q 7398. They also criminally intimidated him. In his bag, he kept documents related pension PPO book, cheque book, Identity card, document related to his house property, LIC Bond, Voter ID, PLI Bond, Bank passbook, Pan card,



three cell phones, worth about Rs.80,000/- and certain other documents. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and taking advantage of the matrimonial dispute, the defacto complainant foisted this false case. He further submitted that certain other criminal cases are pending against each other. In this regard, he produced copies of FIRs in Cr.No.139 of 2019, Cr.No.185 of 2019 and Cr.No.505 of 2019. Crime No.139 of 2019 was registered on the basis of the complaint given by the son of the defacto complainant against the defacto complainant for assaulting him when he questioned the illicit intimacy of the defacto complainant with one Lakshmi. Crime No.185 of 2019 was registered on the basis of the complaint given by A1 against the defacto complainant. These two complaints were registered on the allegation of illicit intimacy of the defacto complainant with other women and therefore, there was a quarrel between them and due to the same, a case in crime No.505 of 2019 was given by the defacto complainant in this case against his wife and his sons and some other persons.

4.It is seen from FIR that there is a dispute between the defacto complainant on one side and his wife on the other side. The petitioners also filed Xerox copy of the photos to show that the defacto complainant was with some other woman. Petitioner's counsel also brought to the notice of this Court to the legal notice dated 03.08.2019 sent by the defacto complainant.

5.Perusal of these documents shows that there was criminal and matrimonial disputes between the defacto complainant and A1. Truth or falsity of the allegations made in the prior complaints and this complaint can be elucidated only in the course of trial. However, considering the fact that the incident had happened between husband and wife and the accused, who said to have stole the articles, are not the professional thieves and also the fact that material part of the investigating might have been completed, this Court is of the view that custodial interrogation of the petitioners is not necessary and anticipatory bail may be granted to the accused with a direction to the petitioners to cooperate with the investigation. In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioners.

6.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.VI, 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 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., 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.

[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.

sd/-

22/06/2021

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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 JUDICIAL MAGISTRATE No.VI, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.NIRANJAN.S.KUMAR, Advocate (SR-4102[I]dated 23/06/2021)

ORDER IN

CRL OP(MD) No.7768 of 2021

Date :22/06/2021