



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.8415 and 8517 of 2021

1. Senthamil Selvan
2. Vinoth
3. Shiyamala
4. Viswanath @ Vishvanathan
5. Kavitha

... Petitioners/Accused No.2 to 6
in Crl.O.P. (MD)No.8415 of 2021

- 6.Vivekananth

... Petitioner/Accused No.1
in Crl.O.P. (MD)No.8517 of 2021

Vs

The State Represented by
The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
Crime No.7 of 2021..

... Respondent/Complainant
in both petitions

For Petitioner : Mr.D.S.Haroon Rasheed,
(in both petitions) Advocate.
For Respondent : Mr.T.Senthilkumar,
(in both petitions) Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.7 of 2021 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A6, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 498(A), 406 and 506(i) of IPC, in Crime No.7 of 2021 on the
file of the respondent police, seek anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioner in CrI.O.P(MD).No.8517 of 2021 is the husband and the petitioners in CrI.O.P(MD).Nos.8415 of 2021 are in-laws of the defacto complainant.

3.The case of the prosecution is that the first accused is not interested in the matrimonial life, therefore, the defacto complainant has lodged a complaint against the first accused and his family members.

4.The learned counsel for the petitioners would submit that the first accused has filed an application for restitution of conjugal rights in H.M.O.P.No.1166 of 2021 before the Subordinate Court, Trichy. He would further 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.

5.The learned Government Advocate (CrI.Side) appearing for the respondent police, on instructions, would submit that the investigation is yet to be completed.

6.Taking into consideration the facts and circumstances of the case and the nature of allegation levelled against the petitioners, 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 Judicial Magistrate No.II, Viruthunagar, 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 petitioner in CrI.O.P(MD).No.8517 of 2021 shall report before the respondent police daily at 10.30 a.m until further orders. The petitioners in CrI.O.P(MD).No.8415 of 2021 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.

sd/-

06/08/2021

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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.II,
VIRUTHUNAGAR.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8415
and 8517 of 2021

Date :06/08/2021

SS/JM/SAR-II/19.08.2021 : 3P/5C