



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

Date : 20/09/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD) .Nos.9253 and 13709 of 2021

Crl.O.P. (MD)No.9253 of 2021

1. Kannan
2. Saraswathi
3. Ajantha
4. Elangovan
5. Susikumar

... Petitioners/Accused No.2-6

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime.No.05 of 2021).

... Respondent/Complainant

Crl.O.P. (MD)No.13709 of 2021 :

Sivaranjani

... Petitioner/Accused No.7

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.5 of 2021)

... Respondent/Complainant

IN BOTH PETITIONS :

For Petitioners : Mr.C.Senthil Murugan, Advocate
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
For Intervenor : Mr.K.R.Laxman, Advocate

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

COMMON PRAYER :-

For Anticipatory bail in Crime No.5 of 2021 on the file of the
Respondent police.

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



COMMON ORDER : The Court made the following order :-

The petitioners/A2 to A7, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 498 (A), 149, 406, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.5 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The defacto complainant got married with the first accused on 09.03.2008 and out of the wedlock, she had begotten a female child. Since there was a dispute between the family members, the couple got separated from the family members. The first accused pledged the jewels of the defacto complainant for starting a new company and promised her that he will redeem the jewels within three months. Thereafter, the first accused developed an illegal intimacy with the accused No.7/petitioner in Crl.O.P.(MD)No.13709 of 2021. He also misappropriated a sum of Rs.4,00,000/- which was collected during the family function on the pretext of investing the said amount in the business. When the same was questioned by the defacto complainant, the first accused brutally assaulted her. Hence, the present complaint.

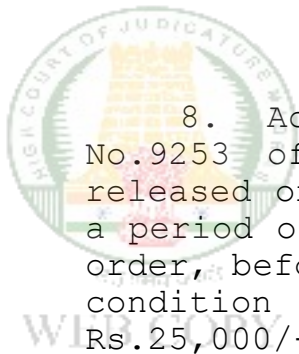
3.The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5.The learned counsel appearing for the defacto complainant submits that the accused No.7/petitioner in Crl.O.P.(MD)No.13709 of 2021, who entered into the house of the first accused as a servant-maid, deviated the family life of the defacto complainant and she chased away the defacto complainant and her child and also took away the jewels of the defacto complainant. He further submits that the first accused died under suspicious circumstances in the house of the accused No.7.

6. Considering the allegations levelled against A7/petitioner in Crl.O.P.(MD)No.13709 of 2021, the Criminal Original Petition in Crl.O.P.(MD)No.13709 of 2021 is dismissed.

7. Insofar as the petitioners in Crl.O.P.(MD)No.9253 of 2021 are concerned, considering the facts and circumstances of the case, since the petitioners are in-laws of the defacto complainant and also the fact that this is a matrimonial dispute between the petitioners and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners in Crl.O.P.(MD)No.9253 of 2021.



8. Accordingly, the Criminal Original Petition in Crl.O.P.(MD) No.9253 of 2021 is allowed. 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, Usilampatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(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 are 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/-
20/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI.



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

ORDER
IN
CRL OP (MD) No.9253 AND 13709
of 2021
Date :20/09/2021

USK/JM/SAR-II/ (30.09.2021) 4P-5C