



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.09.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.10090 of 2021

1.Sugumar

2.Selvaraj

3.Kottaiyammal

4.Sampath

... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Ottanchathiram,
Dindigul District
(Crime No. 6/2021).

... Respondent/Complainant

For Petitioners : Mr.K.Arunraj

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

On a matrimonial dispute, the defacto complainant has lodged a complaint as against the petitioners and others. Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498A, 294(b), 506(ii) IPC, in Crime No.6 of 2021, the petitioners have filed this application for anticipatory bail.



2. Learned Counsel for the petitioners submitted that the first petitioner is the husband of the defacto complainant. The other petitioners are her in-laws. The defacto complainant is working as Ticket Examiner in Railways Department and her sister is working in Police Department. The first petitioner insisted his wife / defacto complainant to get transfer and to live with him. In this regard, there was a quarrel between the couples and the first petitioner has made a complaint before the All Women Police Station, Karur, in CSR.No.336 of 2021, dated 06.07.2021. Triggered over the same, the defacto complainant has lodged this false complaint on 12.07.2021. Hence, he prayed for grant of anticipatory bail to the petitioners.

3. Considering the nature of allegation, ie., matrimonial dispute, this Court by earlier order has referred the matter to the District Social Welfare Committee, through the respondent police.

4. Learned Government Advocate (Crl. Side), on instructions, submitted that the defacto complainant is not co-operating for the enquiry and she has neither appeared before the respondent police nor before the Social Welfare Officer.

5. Considering the nature of allegation, the fact that the present complaint was lodged on 12.07.2021 after the lodging of CSR.No.336 of 2021 by the first petitioner before the Karur All Women Police Station on 06.07.2021 and the conduct of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this petition is allowed and 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, Ottanchatram, 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners shall report before 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 have been 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/09/2021

/ TRUE COPY /

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

gk

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

ORDER
IN
CRL OP (MD) No.10090 of 2021
Date : 09/09/2021

RD/SKN/SAR-IV (15.09.2021) 3P 5C