



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) No.10324 of 2021

WEB COPY

1. Viswanathan,

2. Jayalakshmi,

... Petitioners/Accused 1 & 2

Vs

The State rep. by
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
Cr.No. 109 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Prabu M,
Advocate.

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.109 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 IPC and Section 4 of the Tamil Nadu Women Harassment Act
in Crime No.109 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, on
20.07.2021, the petitioners abused the defacto complainant in filthy
language and also attacked her. Therefore, the present case came to
be registered.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they are husband and wife. He
further submitted that the defacto complainant is none other than
the first petitioner's brother's wife and due to some family
dispute, the present false case came to be foisted as against the
petitioners.

4.Heard the learned counsel for the petitioners and the learned
Government Advocate (Crl.side) appearing for the respondent police.



5.Considering the nature of allegations levelled against the petitioners and also the fact that the petitioners and the defacto complainant are close relatives, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original 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, Singampunari, Sivagangai District, 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 Magistrate 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.

[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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.

GNS

sd/-
06/08/2021

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE
SINGAMPUNARI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, SIVAGANGAI DIST.
3. THE INSPECTOR OF POLICE
S.V.MANGALAM POLICE STATION, SIVAGANGAI
DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10324 of 2021
Date :06/08/2021

CN/VR/S2 (23.08.2021) 3P 5C