



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

Date : 08.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11268 of 2021

1.Solaraja
2.Chinnasamy
3.Alagammal

... Petitioners/Accused1,2 & 3

Vs

The Inspector of Police,
All Women Police Station-Thoothukudi,
Thoothukudi
(Crime No. 26 of 2021).

... Respondent

Sindhuja,

... Intervener/Petitioner
in Crl MP(MD)No. 5963 of 2021

For Petitioner : Mr.R.Alagumani,
Advocate.

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

For Intervenor : Mr.A.Thiruvadikumar,Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.26 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A) and 406 I.P.C, in Crime No.26 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the petitioners 2 and 3 are father-in-law and mother-in-law of the de-facto complainant. Due to matrimonial dispute between the first petitioner and the de-facto complainant, the petitioners harassed the de-facto complainant by demanding



3.The learned counsel for the petitioners submits that the matter was referred to the social welfare officer, Thoothukudi for mediation and during the mediation, the petitioners handed over all the jewels to the de-facto complainant.

4.The learned counsel for the intervenor submits that the jewels alone have been returned. He further submits that the first petitioner already received more than Rs.40,00,000/- from the parents of the de-facto complainant, but, he has not paid the said amount.

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

6.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is 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.IV, Thoothukudi 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 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 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/-

08/09/2021

/ TRUE COPY /

/ /2021

WEB COPY

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

SJI

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

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate(SR-6139[I]dated 09/09/2021)
ORDER

IN

CRL OP(MD) No.11268 of 2021

Date :08/09/2021

PKP/JC/SAR-3/23.09.2021/3P/6C