



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.11601 of 2020

1. Anantha Babu
2. Marimuthu
3. M.Latha

... Petitioners/Petitioners/
Petitioners/Petitioners
Accused No.1 to 3

Vs

The State Rep. by,
The Inspector of Police,
All Woman Police Station,
Tiruvadanai,
Ramanathapuram District.
(Crime No.7/2020).

... Respondent/Respondent
Respondent/Respondent
Complainant

For Petitioners : Mr.S.Sathya Chidambaram,
Advocate.

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

For Intervener : Mr.K.Ramanathan, Advocate.

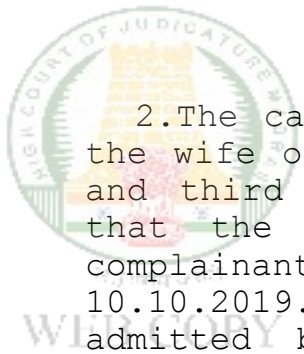
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For an Anticipatory Bail in Cr No.7 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offence punishable under sections 498(A) and 506(i) I.P.C, in Crime No. 7 of 2020 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant is the wife of the first petitioner and daughter-in-law of the second and third petitioners. The allegation against the petitioners is that the first petitioner had love affairs with the defacto complainant, impregnated her and subsequently married her on 10.10.2019. Thereafter on 12.03.2020, the defacto complainant was admitted by the first petitioner in Ramanathapuram Government Hospital for delivery and on the same day, a male child was born to her and he left her in her parents house. Thereafter, the first petitioner has not visited the defacto complainant. Therefore, she went to the matrimonial home and asked for reunion. But the same was refused by the petitioners 2 and 3 stating that they were taking steps for the second marriage to the first petitioner, and criminally intimidated her. Hence, the crime has been registered.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged in the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4.Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the Intervener/Defacto Complainant and the learned Government Advocate (Crl.Side) appearing for the respondent.

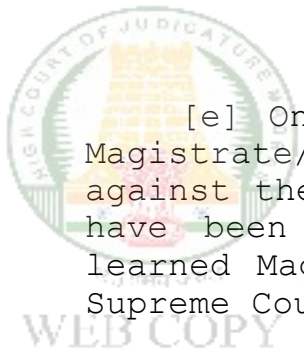
5.Considering the nature of offence committed by the petitioners and their relationship with the defacto complainant that they are being the family members of the defacto complainant, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Tiruvadanai, Ramanathapuram District, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate and on further condition 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 Aadhar 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 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/08/2021

/ TRUE COPY /

/ /2021
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,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
TIRUVADANAI, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.11601 of 2020
Date :02/08/2021

msa
USK/PN/SAR-I : 09/08/2021 : 3P/5C