



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.11361 of 2021

1.Rameshwari

2.Chitra

3.Nagendiran

4.Rohini

5.Marikani

... Petitioners/Accused Nos.2 to 6

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Virudhungar District
(Crime No. 3/2021).

... Respondent/Complainant

For Petitioners : Mr.A.Feroz Khan

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.3 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, 406, 506(i) IPC, in Crime No.3 of 2021, the petitioners have filed this application for anticipatory



bail.

2. Learned Counsel for the petitioners submitted that the first accused and the defacto complainant are husband and wife. The first accused has already filed an application before this Court for anticipatory bail in Crl.OP(MD)No.2610 of 2021, in which, an amicable settlement was arrived at between the parties. Pursuant to the same, the first accused has filed an affidavit that he would pay a sum of Rs.15,000/- per month, to the defacto complainant and her two children without prejudice to his defence in MC.No.16 of 2019 pending on the file of the Judicial Magistrate No.II, Virudhunagar. Recording the said affidavit, this Court, by order dated 09.08.2021, has granted anticipatory bail to the first accused.

3. He further submitted that the first petitioner is the mother of the first accused, the second petitioner is the sister of the first accused, the third petitioner is the brother of the first accused, the fourth petitioner is the wife of the third petitioner and the fifth petitioner is the maternal uncle of the first accused. All of them are living separately from the first accused and have nothing to do with the alleged offence. Therefore, he prayed for grant of anticipatory bail to the petitioners herein.

4. Learned Government Advocate(Crl.side) appearing for the respondent police admitted that the first accused / husband of the defacto complainant was granted anticipatory bail by this Court vide order dated 09.08.2021, in Crl.OP(MD)No.2610 of 2021.

5. Considering the nature of allegation levelled against the petitioners, the relationship of the parties and the grant of anticipatory bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners herein.

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 No.II, Virudhunagar, 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

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/ /2021

Sub-Assistant Registrar (C.S.III)
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 NO.II
VIRUDUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SREEVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION-VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.11361 of 2021

Date : 09/09/2021

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