



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12054 of 2021

1.M.Pandi @ Pandian

2.P.Sankari @ Sankarammal

3.N.Tamilselvi @ Selvi

... Petitioners/Accused No.3,4&5

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Bodinayakkanur,
Theni District.
(Crime No. 15/2021)

... Respondent/Complainant

For Petitioners : Mr.C.Mayil Vahana Rajendran, Advocate
for Mr.P.Banuprasath, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.15 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 offence punishable under Sections 498(A), 495 IPC in Crime No.15 of 2021, seek anticipatory bail.

2.The first accused and the defacto complainant are couples and their marriage was solemnized in the year 2018. Due to the wedlock, they are having a female child. The first accused developed intimacy with another woman and harassed the defacto complainant, at the instigation of the other accused and later, driven her out of the matrimonial home. Hence, the complaint.



3.Learned Counsel for the petitioners submitted that the first petitioner is the brother of the first accused. The second petitioner is the wife of the first petitioner and the third petitioner is the sister of the first petitioner. They are living separately from the first accused and the defacto complainant. They are innocents and have not committed any offence as alleged by the prosecution. In fact, the first accused has filed a petition for divorce before the Family Court, Theni, in HMOP.No.47 of 2021 on 30.03.2021 and aggrieved over the same, this false case has been foisted on 17.08.2021. Therefore, he prays for grant of anticipatory bail.

4.Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

5.Considering the nature of allegation, the fact that it is a family dispute and that the petitioners, who are the relatives of the first accused / husband, are residing separately and also the date of lodging of the complaint, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakkanur, Theni, 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 on every Monday at 10.30 am.

(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***



(f)if the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/08/2021

/ TRUE COPY /

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/ /2021

Sub-Assistant Registrar (C.S.)
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,
BODINAYAKKANUR,
THENI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
BODINAYAKKANUR,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.BANUPRASATH.P Advocate SR.No.5760(I)dated 27/08/2021

ORDER

IN

CRL OP(MD) No.12054 of 2021

Date :26/08/2021

PKP/JM/SAR-4/07.09.2021/3P/6C