



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

Date : 02/12/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.12244 of 2021

1. DHINAKARAN
2. EZHILARASI
3. KARTHIK

... PETITIONERS/ACCUSED NOS.1,2 & 4

VS.

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONMALAI, TRICHY.
(CRIME NO.7 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.Silambarasan.M.
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

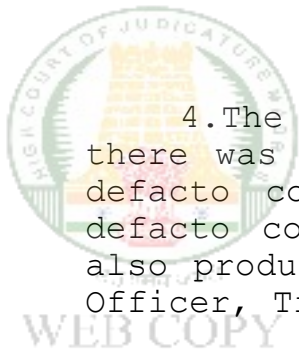
For Anticipatory Bail in Crime No.7 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406, 323 and 506(i) IPC and Section 4 of TNPHW Act, 2002, in Crime No.7 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was matrimonial dispute between the first petitioner and the defacto complainant, due to which, the first petitioner assaulted the defacto complainant and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor would submit that there was matrimonial dispute between the first petitioner and the defacto complainant, due to which, the petitioners harassed the defacto complainant. Hence, the case has been registered. He has also produced a copy of the report submitted by the Social Welfare Officer, Trichy.

5.The learned counsel for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner is concerned.

6. In view of the submission made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner.

7.Admittedly, the second petitioner is the sister of the first petitioner and the third petitioner is the husband of the second petitioner. Considering the facts and circumstances of the case and considering the facts that there existed matrimonial dispute between the first petitioner and the defacto complainant and that the petitioners 2 and 3 are not having any previous case for serious offence as stated by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

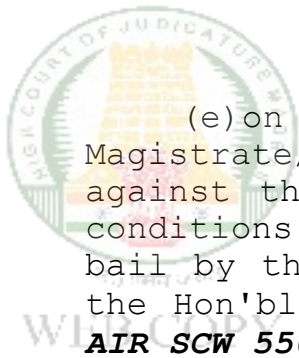
8.Accordingly, the Criminal Original Petition is allowed and the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate (Additional Mahila Court), Trichy, on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners 2 and 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 2 and 3 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. In the result, this Criminal Original Petition is partly allowed.

sd/-
02/12/2021

/ 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,
(ADDITIONAL MAHILA COURT), TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONMALAI, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12244 of 2021
Date : 02/12/2021

das

USK/PN/SAR-II/(08.12.2021) 3P-5C

<https://hcservices.ecourts.gov.in/hcservices/>