



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

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12253 of 2021

WEB COPY

1.Sundari

2.Nandhini

3.Praveena @ Pavatharani

4.Prasad

... petitioners/Accused Nos.1 to 4

Vs

The State Rep. by,
The Inspector of Police,
Ambathurai Police Station
Dindigul District
(Cr. No.388/2021).

... Respondent/Complainant

For petitioners : M/s.Abdul Kabur A,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

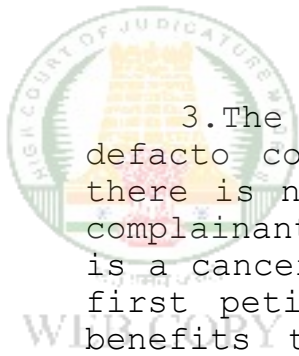
PRAYER :-

for Anticipatory Bail in Crime No.388/2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 294(b), 323, 355, 427 and 506(i) IPC, in Crime No.388 of
2021, seek anticipatory bail.

2.The case of the prosecution is that the due to the family
dispute, the petitioners came to the defacto complainant's house,
abused the defacto complainant in filthy language, assaulted her and
caused simple injury. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the defacto complainant is the first petitioner's daughter-in-law and there is no dispute between the petitioners 2 to 4 and the defacto complainant. The first petitioner is a retired Head Mistress and she is a cancer patient. The defacto complainant frequently tortured the first petitioner that she should hand over the entire retirement benefits to her and has lodged this false complaint. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners are not having any previous antecedent. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that the petitioners have not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original 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.III, Dindigul, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

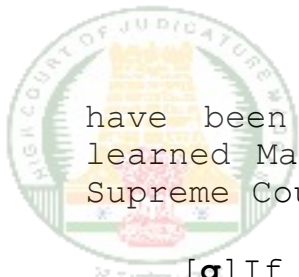
[b] the first petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]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]**.

[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msa

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.III
DINDIGUL.
- 2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3.THE INSPECTOR OF POLICE
AMBATHURAI POLICE STATION, DINDIGUL DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12253 of 2021
Date :31/08/2021

RK/SKN/SAR-IV (15.09.2021) 3P 5C