



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.07.2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.12716 of 2020

and

CRL MP(MD)No.759 of 2021

1.Vignesh
2.Palaniyappan

... Petitioners/Accused Nos.1 & 2

Vs

The State
Rep.by Inspector of Police,
All Women Police Station,
Pudukkottai, Pudukkottai District.
Crime No.17 of 2020

... Respondent/Complainant

For Petitioners : Mr.D.Ramesh Kumar, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Crl. Side)

For Intervenor : No appearance

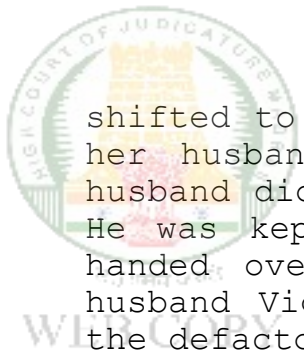
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.17 of 2020 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 offences punishable under Sections 498(A), 294(b), 406 and 506(1) of IPC in Crime No.17 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was in love with the first accused namely Vignesh for two years. They decided to marry and the marriage had taken place at Murugan Temple, Hosur. They lived in Hosur in a rented house for three months. Vignesh's father Palaniyappan scolded the defacto complainant through phone in filthy language for marrying his son. He also threatened to do away with the defacto complainant and her husband, Vignesh. Then, the defacto complainant and her husband



shifted to Thiruppur. At the instance of the accused Palaniyappan, her husband went to Pudukkottai on 09.10.2020. Thereafter, her husband did not contact her. His cell phone was also switched off. He was kept in illegal confinement. The defacto complainant had handed over her 12 sovereigns of jewels and Rs.40,000/- to her husband Vignesh. Apprehending danger to the life of her husband, the defacto complainant gave this complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioners.

4.The defacto complainant has engaged a counsel. On 13.07.2021 and 14.07.2021, there is no representation for the defacto complainant.

5.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending.

6.The allegations made in the First Information Report show that there is no specific allegation against the first accused, Vignesh. In fact, the defacto complainant wants her husband's life to be saved. Apprehending danger to her husband's life from the second accused, she had lodged a complaint. It is further seen that the marriage between the defacto complainant and the first accused had taken place without the consent of the parents. They married and lived as a family at a different places. Therefore, the very claim that the defacto complainant was harassed by the accused is doubtful. Taking note of all these factors into consideration, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, 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 Mahila Court Magisterial Level, Pudukkottai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily
<https://hservices.ecourt.gov.in/> till 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.

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[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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Consequently, the connected Miscellaneous Petition is closed.

sd/-

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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 JUDGE,
MAHILA COURT MAGISTERIAL LEVEL, PUDUKOTTAI.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI,PUDUKOTTAI DT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.12716 of 2020
and
CRL MP(MD)No.759 of 2021
Date :14/07/2021

MBI

RT/VR/SAR-II/16.07.2021/3P/5C