



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

Date : 09.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP (MD) No.13285 of 2021

1.G.M.Vignesh

2.Mathivathini

3.Tivya (Vaisali) ... Petitioners / Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Thiruneelakudi Police Station,
Thiruneelakudi Post,
Thanjavur District.
(Crime No.66/2021)

... Respondent / Complainant

For Petitioners : Mr.D.Veerasekaran
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.66 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, apprehending arrest at the hands of the respondent police for the offence under Sections 294(b), 341, 427, 506(ii) IPC in Crime No.66 of 2021, seek anticipatory bail.

2. The defacto complainant is the grandmother of the first petitioner and mother-in-law of the second petitioner. The third petitioner is the wife of the first petitioner. The prosecution case is that after the demise of the first petitioner's father, the petitioners stayed in the defacto complainant's house and threatened her to transfer the family properties to their names. Hence, the complaint.

3. Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. The petitioners 1 & 3 are Software Engineers working at Chennai and the second petitioner is the mother of the first petitioner. Therefore, he prayed for grant of anticipatory bail to the petitioners.



4. Learned Government Advocate (CrI. Side), on instructions, submitted that no one got injured in this case and that the dispute is between the family members. He further submitted that the petitioners are not having any bad antecedents.

5. Considering the nature of allegation, the antecedents of the petitioners, the fact that it is a family dispute and that no one got injured in this case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this 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 District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, 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 daily 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

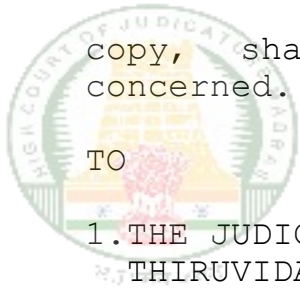
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/ /2021

Sub-Assistant Registrar (C.S.)
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,
THIRUVIDAIMARUTHUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
THIRUNEELAKUDI POLICE STATION,
THIRUNEELAKUDI POST, THANJAVUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.13285 of 2021
Date :09/09/2021

SB/SKN/SAR-III/23.09.2021/3P/5C