



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.13255 of 2021

1. VADIVELAMMAL
2. GOMATHI
3. RAJA

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUTHUKOTTAI,
THOOTHUKUDI DISTRICT.
(CRIME NO. NOT KNOWN OF 2021)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.MUTHUMALAI RAJA, Advocate

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Criminal Side)

For Intervenor : Mr.V.MALAIYENDRAN, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.Not Known 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 alleged offence punishable under Sections 294(b), 494 and 506(i) IPC in Crime No.Not Known of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the third petitioner, the third petitioner married another one bride with the help of the petitioners 1 and 2. When the same was questioned by the de-facto complainant, the third petitioner abused her in filthy language and also criminally intimidated her. Therefore, the present case came to be registered.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent police filed a report given by the District Social Welfare Officer, stating that the husband and wife have agreed to sign the divorce agreement before the elders of the village and the substantial part of the investigation is over.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners, the de-facto complainant is not ready to live with the third petitioner and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 No.III, Thoothukudi, Thoothukudi District, on condition that the petitioners 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 learned Judge 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 Judge 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 every Monday at 10.30 a.m., until further orders.

(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 Judge/ 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 Judge/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.

WEB COPY

Sd/-
29/10/2021

/ TRUE COPY /

/ /2021

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

cp

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
THOOTHUKUDI, THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUTHUKOTAI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
DISTRICT SOCIAL WELFARE COMMITTEE,
THOOTHUKUDI DISTRICT.

ORDER
IN
CRL OP (MD) No.13255 of 2021
Date :29/10/2021

SP/JM/SAR II/18/11/2021/3P/6C