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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15001 of 2021

1.Durga Anu Devi
2.Venoth Kumar
3.Muthu Krishnan
4.M.Jeyarani

... Petitioners/Accused
No.2 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thoothukudi District.
(Crime No.46 of 2020)

... Respondent/Complainant

For Petitioners : M/s.Ananth C.Rajesh, Advocate

For Respondent : M/s.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

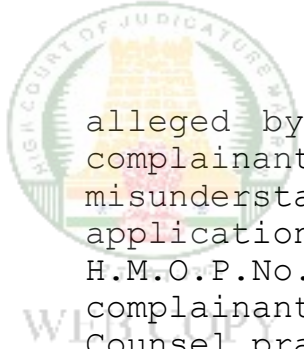
For Anticipatory Bail in Crime No.46 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498A, 406, 506(i) IPC, in Crime No.46 of 2020, seek anticipatory bail.

2.The defacto complainant, Nithya and one Durka Arun Kumar, got married on 22.01.2015. Alleging that after the marriage, the petitioners and other accused harassed the defacto complainant and subjected her to cruelty, the defacto complainant has lodged the present complaint.

3.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as



alleged by the prosecution. They are the in-laws of the defacto complainant. According to the petitioners, due to some misunderstanding, the son of the petitioners 3 & 4 has filed an application for divorce before the Family Court, Thoothukudi, in H.M.O.P.No.651 of 2020. Triggered over the same, the defacto complainant has lodged this false complaint. Therefore, the learned Counsel prayed for grant of anticipatory bail.

4.Considering the nature of allegation, relationship of the parties and to find out the possibility of any settlement among them, this Court, by order dated 05.10.2021, referred the parties to the District Social Welfare Officer.

5.Learned Additional Public Prosecutor, on instructions, submitted that the first accused / husband is in Abroad. Though the matter has been referred to the District Social Welfare Officer, the defacto complainant has not co-operated for the enquiry by claiming that she would respond only if the first accused / husband comes and appear before the Social Welfare Officer in person. Therefore, the mediation could not be effected.

6.Considering the fact that it is a matrimonial dispute, the nature of allegation levelled against the petitioners and that the petitioners are only in-laws, this Court is inclined to grant anticipatory bail to the petitioners.

7.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.4, Thoothukudi, 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 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 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 the 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]**.



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

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/ TRUE COPY /

Sd/-
20/10/2021

/ /2021

Sub-Assistant Registrar (C.S.III)
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 NO.4,
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
SOCIAL WELFARE COMMITTEE,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.ANANTH.C.RAJESH Advocate SR.No.7265

ORDER
IN
CRL OP(MD) No.15001 of 2021
Date :20/10/2021