



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) .No.14590 of 2021

1.Banumathi
2.Rameshbabu

... Petitioners/Accused
Nos.1 & 2

Vs.

State rep.by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.636 of 2021)

... Respondent/Complainant

For Petitioners: M/s.Deenadhayan.S, Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

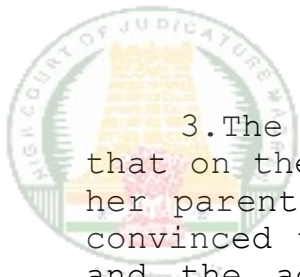
PRAYER :-

For Anticipatory Bail in Crime NO.636 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) IPC, in Crime No.636 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de-facto complainant and the second accused was solemnized prior to four years and due to their wedlock, she gave birth to a female child. After marriage, the petitioners harassed the de-facto complainant for paltry reasons. On 27.07.2021 the defacto complainant's parents came to see her daughter and the defacto complainant also wanted to go the parental home and the same was resisted by the first petitioner. Therefore, she herself poured kerosene and set fire to herself. Hence, the case has been registered.



3.The learned counsel appearing for the petitioners submitted that on the date of occurrence, the defacto complainant wanted to go her parental home along with her parents. However, the petitioners convinced the defacto complainant by citing the pandemic situation and the age of their female child. They told her to go to her parental home after some days. Due to such motive, without knowing the consequences, she herself poured kerosene and set fire on herself. However, the petitioners rescued the defacto complainant and she was admitted in the Government Hospital, Pattukkottai by the second petitioner. Hence, they pray for anticipatory bail.

4.Though this Court by order dated 21.10.2021, referred the matter to Mediation and Conciliation Centre, attached to this Bench, no compromise has been arrived at.

5.At this stage, the learned counsel for the petitioners submitted that without prejudice to his defence, the husband is willing to pay a sum of Rs.7,000/- as maintenance to the defacto complainant and his child every month. The said amount to be credited to the account of the de-facto complainant or by way of cash on every month till they reunite and he has also filed an affidavit to that effect.

6.Considering the facts and circumstances of the case and also considering the affidavit filed by the second accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. The respondent police shall monitor the second accused as to whether, he is complying with the undertaking given before this Court.

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, Pattukkottai, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 petitioners shall report before 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 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 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.

Sd/-
01/11/2021

/ TRUE COPY /

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

vsd

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,
PATTUKKOTTAI, THANJAVUR DISTRICT.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. DEENADHAYALAN.S. Advocate SR.No.7783

ORDER
IN
CRL OP(MD) No.14590 of 2021
Date :01/11/2021