



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.15362 of 2021

1. Esaiselvi
2. Vanathi Devi

... Petitioners/Accused
5 & 6

Vs

State rep.by
The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.
(Crime No.250 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Veerapandi.S.P., Advocate.

For Respondent : M/s.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

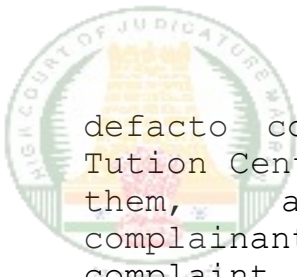
PRAYER :-

For Anticipatory bail in Crime.No. 250 of 2021 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 147, 148, 341, 342, 294(b), 324 and 506(ii) of IPC in Crime No.250 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the first petitioner and the defacto complainant's son namely Senthil Kumar, 11 years back. After the marriage, they lived 1 ½ years happily and due to some family dispute, they are living separately and they have one son namely Jeyaprathapandian. On 23.09.2021 at about 08.00 p.m., when the



defacto complainant's son and his grandson were returning from Tution Centre, the first petitioner along with other accused waylaid them, attacked them with Aruval and demanded the defacto complainant's son to send the child along with them. Hence, the complaint.

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3.The learned counsel for the petitioner submitted that the petitioners are innocents and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there is a dispute with regard to the custody of the child and the first petitioner is the wife of the defacto complainant's son. He further submitted that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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 Court No.II, 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;

(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]**; and;



(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
07/10/2021

/ TRUE COPY /

/ /2021

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

ssb

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

ORDER
IN
CRL OP(MD) No.15362 of 2021
Date :07/10/2021