



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

Date : 01.11.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD)No.15569 of 2021

1.T.Pandiarajan

2.T.Pandiammal

... Petitioners/ Accused No.1&2

Vs

The State represented by
The Sub Inspector of Police,
All Women Police Station (South),
Thilagarthidal
Madurai.

[Cr.No.29 of 2021]

... Respondent/Complainant

For Petitioner : Mr.P.Gunasekaran, Advocate

For Respondent : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

For Intervener : Mr.M.Kannan, Advocate

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

PRAYER :-

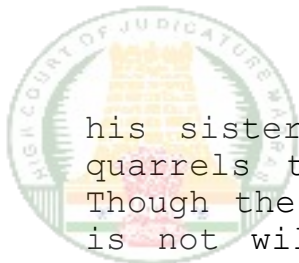
For Anticipatory Bail in Crime No.29 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :

The petitioners, apprehending arrest at the hands of the respondent police for the offence under Sections 498(A) and 506 (I) IPC in Crime No.29 of 2021, seek anticipatory bail.

2.The prosecution case is that the first accused harassed his wife / defacto complainant and demanded money to repay the due for his indebtedness. Hence, the complaint.

3.The learned Counsel for the petitioner submits that the petitioners are innocents and they have not committed any offence as alleged. The husband's father was working in Railways and he died while he was in service. The compassionate appointment was afforded to the petitioner's elder sister, however, the family members with the confidence that the petitioner would take care her entire family, has made it over to the petitioner. However, the petitioner has incurred huge expense in the process of conducting marriage to



his sisters and in maintaining her age old mother. Due to petty quarrels the defacto complainant has left the matrimonial home. Though the petitioner is ready for reunion, the defacto complainant is not willing for reunion. However, the learned Counsel further submitted that the petitioner is ready to pay a sum of Rs.10,000/- as monthly maintenance to his wife and child without prejudice his rights before the trial Court.

4. Taking into consideration of the facts and circumstances of the case, the nature of allegations and the undertaking of the first petitioner to pay monthly maintenance of Rs.10,000/- to the defacto complainant and the child, this Court is inclined to grant anticipatory bail to the petitioners. 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 Judge, Additional Mahila Court, Madurai, 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 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 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 have been 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.

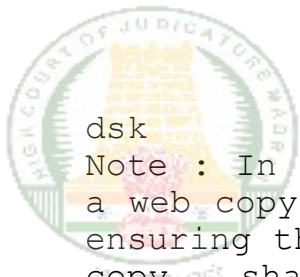
sd/-

01/11/2021

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



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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.

WEB COPY

TO

- 1.The Judge,
Additional Mahila Court,
Madurai.
- 2.The Sub Inspector of Police,
All Women Police Station (South),
Thilagarthidal
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.15569 of 2021

Date :01/11/2021

RD/ JM/SAR-III (11.11.2021) 3P 4C