



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15793 of 2021

1. Thiagarajan,

2. Kasthuri,

... Petitioners/Accused Nos.2 & 3

-Vs-

State Rep by,
The Inspector of Police,
All Women Police Station,
Theni,
Theni District.
Crime No.31 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.M.Vishnuvarthanan, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

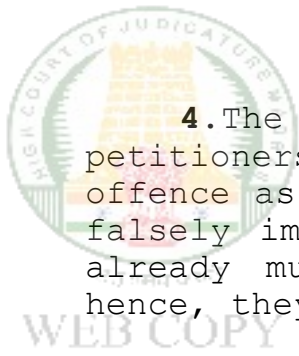
For Anticipatory Bail in Crime No.31 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 323, 109 and 506(ii) of IPC in Crime No.31 of 2021 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

3. The case of the prosecution is that due to matrimonial dispute, the de-facto complainant lodged a complaint against the petitioners/accused persons, who are the parents of her husband/A1 for the cruelty done by her husband. Hence, this case.



4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case. He further submitted that already mutual divorce was applied and the process is pending, hence, they seek anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, submitted that the petitioners are the in-laws of the defacto complainant and it is purely a matrimonial dispute.

6.Considering the facts and circumstances of the case and the fact that already mutual divorce is pending and since it is purely a matrimonial dispute, and the first petitioner is aged about 66 years and the second petitioner is aged about 58 years, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court (JM Level), Theni, and on their executing 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 Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required;

(c) the petitioners shall not tamper with 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.

sd/-

12/10/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

PJL

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,
ADDITIONAL MAHILA COURT (JM LEVEL),
THENI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THENI,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-7209[I] dated 12/10/2021)

ORDER

IN

CRL OP(MD) No.15793 of 2021

Date : 12/10/2021

PKP/PN/SAR-1/21.10.2021/3P/6C