



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16094 of 2021

1. Gnanajothi
2. Gnanaprakash
3. Parvathi

... Petitioners/Accused
1 to 3

Vs

State rep.by
The Inspector of Police,
Kallakudi Police Station,
Trichy District.
(Crime No.354 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Lenin Kumar T, Advocate

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

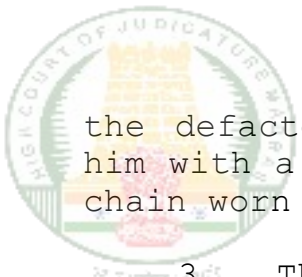
PRAYER :-

For Anticipatory Bail in Crime No.354 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 294 (b), 324, 506(ii) and 379 IPC, in Crime No.354 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The first petitioner is the wife of the defacto complainant and the second and third petitioners are in-laws of the defacto complainant. The case of the prosecution is that due to some misunderstanding, the first petitioner left her matrimonial house. Thereafter, the defacto complainant sent a divorce notice to the first petitioner. Enraged over the same, the petitioners went to



the defacto complainant's shop and the second petitioner attacked him with a wooden log and also snatched away 1 ½ sovereigns of gold chain worn by him. Hence, the case.

3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. In fact, the defacto complainant developed illegal intimacy with a woman and he did not take care of the first petitioner and his children. Therefore, the first petitioner left her matrimonial house. Thereafter, the defacto complainant issued a divorce notice. In order to pacify the issue, the petitioners went to the defacto complainant's shop. But, the defacto complainant abused the petitioners in filthy language and slapped the second petitioner. When the defacto complainant attempted to attack the first petitioner by holding her hair, the second petitioner tried to prevent him. However, this false complaint has been foisted against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the parties and since it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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, Lalgudi, 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:

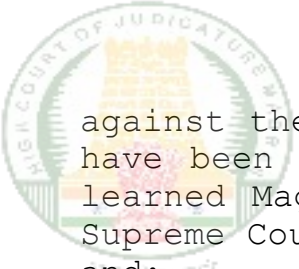
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(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 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 are 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
25/10/2021

/ TRUE COPY /

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

OGY

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,
Lalgudi.
2. -Do-Through
The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Kallakudi Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.16094 of 2021
Date :25/10/2021

SP/VR/SAR III/28/10/2021/3P/5C

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