



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16208 of 2021

1. Karthikeyan
2. Valarmathi
3. Kayalvizhi
4. Jayasutha

... Petitioners/Accused 1 to 4

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
Crime No.31/2021.

... Respondent/Complainant

For Petitioners: Mr.R.Narayanan,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

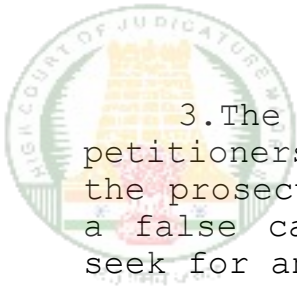
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

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/ Accused 1 to 4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 498(A) and 406 IPC, in Crime No.31 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was matrimonial dispute between the parties, due to that, the *defacto* complainant was harassed and abused by the first petitioner and the first petitioner had some relationship with the fourth petitioner, who is the friend of first petitioner's sister (ie., the third petitioner). Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. He would further submit that due to family dispute a false case has been foisted against the petitioners. Hence, he seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the first petitioner is the husband of the *defacto* complainant and that there was matrimonial dispute between them. He would submit that the report from the Social Welfare Officer was also received and that they are having objection to release the petitioners on bail, as the investigation is not yet completed.

5.In pursuance to the order passed by this Court, the Social Welfare Officer has submitted his report, whereunder he has stated that the *defacto* complainant has expressed her unwillingness to live with the petitioner on the ground that the first petitioner had harassed her and not even permitted her to see her children.

6.Considering the nature of seriousness and gravity of offence, this Court is not inclined to grant anticipatory bail to the first petitioner.

7.However, considering the facts that the second petitioner is the mother, third petitioner is the sister and fourth petitioner is the friend of the third petitioner and also considering the nature of charges levelled against these petitioners 2 to 4, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4, with certain conditions.

7. Accordingly, the petitioners 2 to 4 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, Additional Mahila Court (Judicial Magistrate Level), Madurai, on condition that the petitioners 2 to 4 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners 2 to 4 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 card or Bank pass Book to ensure their identity;

(b)the petitioners 2 to 4 shall report before the respondent Police Station daily at 10.30 pm for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners 2 to 4 shall not tamper with evidence or



(d)the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

8.The petition, in respect of the first petition is dismissed.

sd/-
18/11/2021

/ TRUE COPY /

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

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

+1 CC to Mr.R.NARAYANAN, Advocate (SR-8298[I] dated 19/11/2021)

ORDER IN
CRL OP(MD) No.16208 of 2021
Date :18/11/2021

PNM

<https://hscservices.mca.gov.in/hcservices/> 11.2021/3P/6C