



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

Date : 28/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.16157 of 2021

1.Malarvizhi
2.Jayavelmurugan

... Petitioners/Accused No.2 & 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.
Crime No.20 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Deenadhayalan,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

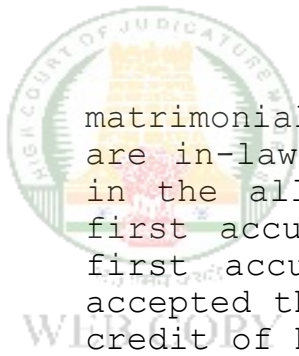
PRAYER :- For Anticipatory Bail in Crime No.20 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 & 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b) and 506(ii) IPC, in Crime No.20 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de-facto complainant and the first accused was solemnized on 06.12.2015. After marriage, both of them went to abroad and out of their wedlock, they were blessed with a male child. Due to matrimonial dispute between A1 and the de-facto complainant, she came back to India, subsequently, the first accused also came to India. Thereafter, the first accused and the petitioners forced the defacto complainant to leave from the matrimonial home. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners submitted that due to misunderstanding between A1 and the de-facto complainant, the de-facto complainant voluntarily left the



matrimonial home. He further submitted that the petitioners herein are in-laws of the de-facto complainant and they have not involved in the alleged offence. He further submitted that he advised the first accused to take care of the child and to that effect, the first accused filed an affidavit stating that Embassy of India accepted that the first accused will pay a sum of Rs.10,000/- to the credit of his wife's account every month without default through him or his parents.

4.The learned Additional Public Prosecutor strongly opposed to grant anticipatory bail to the petitioner that the de-facto complainant is having a special child.

5.Considering the facts and circumstances of the case and also considering the affidavit filed by the first accused and that the petitioners are in-laws of the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioners shall report before 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 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]**.



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2021

/ TRUE COPY /

WEB 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,
PATTUKKOTTAI, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PATTUKKOTTAI,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-7691[I] dated 29/10/2021)

ORDER
IN
CRL OP(MD) No.16157 of 2021
Date :28/10/2021

VSD
MS/SKN/SAR-2/02.11.2021/3P.6C