



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.16876 of 2021

1.Venkatesan

2.Ammani @ Ammani Ammal

3.Seethalakshmi

... Petitioners/Accused
1 to 3

Vs.

State rep.by

The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District.
(Crime No.3 of 2021).

... Respondent/Complainant

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

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

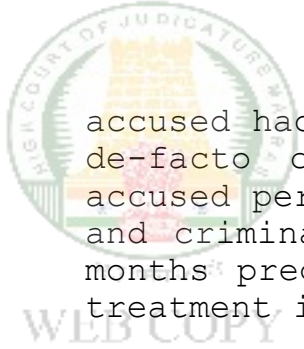
PRAYER :-

For Anticipatory Bail in Crime No.3 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 punishable under Sections 498(A), 294(b), 323 and 506(i) IPC, in Crime No.03 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the de-facto complainant and the first petitioner was solemnized on 21.08.2020. After marriage, the accused said to have demanded 15 sovereigns of gold from the de-facto complainant and also stated that if the first accused is married to some other girl, they would have provided 50 sovereigns of gold and Car, not only that the



accused had scolded with filthy language and physically attacked the de-facto complainant. On 30.01.2021 at about 03.30 p.m., the accused persons said to have hit the de-facto complainant repeatedly and criminally intimidated her. The defacto complainant was three months pregnant at the time of this occurrence and she was taking treatment in the hospital for the injuries.

3.Learned Counsel for the petitioners submitted that this Court has already considered the case of the petitioners and granted anticipatory bail to the second and third petitioners, vide order dated 27.04.2021, made in CrI.OP(MD)No.3717 of 2021, with certain conditions. But, the second and third petitioners were unable to produce sureties before the concerned Magistrate Court in time and therefore, they filed this second anticipatory bail application. Hence, they prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.side) appearing for the respondent police submitted that as a result of attack, the defacto complainant suffered miscarriage. He admitted that the second and third petitioners have already been granted anticipatory bail by this Court, in CrI.OP(MD)No.3717 of 2021, dated 27.04.2021 and further submitted that they have not complied with the conditions stipulated therein.

5.Considering the facts and circumstances of the case, nature of allegation, the relationship of the parties i.e., the second petitioner is the mother and the third petitioner is the sister of the first petitioner and that this Court has already considered this case and granted anticipatory bail to them, but they have failed to comply with the conditions, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3.

6.Accordingly, the petitioners 2 & 3 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, Manapparai, Trichy District, on condition that the petitioners 2 & 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 2 & 3 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 2 & 3 shall report before respondent police as and when required for interrogation;

[c]the petitioners 2 & 3 shall not tamper with the evidence or witness either during investigation or trial;



[d]the petitioners 2 & 3 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 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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/petitioners 2 & 3 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

7.Insofar as the first petitioner is concerned, the earlier anticipatory bail application was dismissed, since he has caused miscarriage to the de-facto complainant. There is no change of circumstances and therefore, this Court is not inclined to grant anticipatory bail to the first petitioner.

8.At this juncture, the learned counsel for the petitioners claimed that the first petitioner is willing to take back his wife, but the de-facto complainant is not willing to live with him.

9.In view of the said submission made on behalf of the learned counsel for the petitioners, by themselves it is open to the respondent police to conduct mediation or refer the matter to the Social Welfare Officer attached to Trichy District to explore the possibility of an amicable settlement and reunion.

10.In fine, this Criminal Original Petition is partly allowed.

Sd/-
01/11/2021

/ TRUE COPY /

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

vsd

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,
MANAPPARAI, TRICHY DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
SOCIAL WELFARE COMMITTEE,
TRICHY DISTRICT.

ORDER
IN
CRL OP(MD) No.16876 of 2021
Date :01/11/2021

SP/VR/SAR I/17/11/2021/4P/6C