



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 17.11.2021
Delivered on : 24.11.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17042 of 2021

1. Pavithra
2. Mangayarkarasi
3. Rajendran
4. Vasudevan
5. Parthipan

... Petitioners/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
(Cr.No.518/2021).

... Respondent/Complainant

S.Velusamy

... Intervening Petitioner/De-facto
Complainant/Proposed 2nd respondent
In Crl.MP(MD)No.9363/2021

For Petitioners : M/s.MOORTHY.S,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

For Intervenor : Mr.P.M.VISHNUVARTHANAN, Advocate

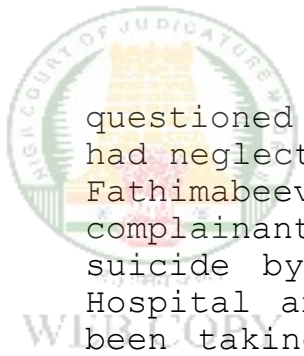
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.518 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 307 IPC and Section 4 of TNPHW Act, 2002, in Crime No.518 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage of the defacto complainant's daughter and the first accused was solemnized on 01.12.2013 and they were blessed with two children, that the first accused along with his wife has been running a computer based Company, namely, Veteran Technology Solution at Trichy, that MohanRaja, Parthipan and Fathimabeevi are working in the first accused's company, that the first accused is said to have illicit affair with his staff Fathimabeevi, that when the same was



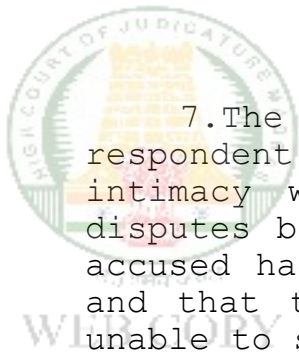
questioned by the defacto complainant's daughter, the first accused had neglected her and refused to snap his relationship with the said Fathimabeevi, that on 14.01.2021 at about 10.30am the defacto complainant's daughter is said to have made an attempt to commit suicide by hanging in the ceiling fan and she was taken to ABC Hospital and thereafter, to Appollo Hospital, that the victim has been taking treatment continuously, that on 01.09.2021, the first accused's daughter is said to have informed the defacto complainant that the first accused alone had attempted to kill her mother and that thereafter only, complaint was lodged and on that basis, FIR came to be registered for the offence punishable under Section 307 IPC r/w Section 4 of TNPHW Act.

3.The case of the petitioners is that the second and third petitioners are the mother and father, first and fourth petitioners are the relatives and the fifth petitioner is the employee of the first accused, that the main allegation against the petitioners is that they had abetted for the illegal intimacy among the accused 1 and 2 and insisted the first accused to commit murder the daughter of the defacto complainant, that all the petitioners are living in separate place and the first accused and his wife are living separately, that the defacto complainant, who is the retired Police Officer has used his influence to foist the above false case against the petitioners and that the above complaint was lodged after the lapse of nine months, since the alleged occurrence.

4.It is their further case that the petitioners have already filed a petition in Crl.OP(MD)No.13197 of 2021 before this Court against the defacto complainant and his daughter, seeking direction not to harass the petitioners, that the defacto complainant and his daughter had break open the house of the first accused and so many property documents, cash and the accused's car were taken away by them and that despite their complaint, no action was taken.

5.The case of the intervenor/defacto complainant is that the first accused is having illegal relationship with his staff Fathimabeevi, that on 14.01.2012 when the defacto complainant was away in Chennai, the first accused with the help of his staff Fathimabeevi and Raja and other accused attempted to take away the life of the defacto complainant's daughter by setting up a drama, as if she hanged herself in a ceiling fan and that she was taken to hospital by her neighbour and she is still under treatment.

6.It is the further case of the intervenor that his daughter was mentally and physically tortured/harassed by the first accused along with the second accused Fathimabeevi with the aid of other accused, that the first accused had already eloped with the second accused Fathimabeevi twice and the complaints lodged by the father of the Fathimabeevi would reveal that the accused 1 and 2 are continuous relationship and that would be the cause and the reason for the alleged occurrence held on 14.01.2021.



7.The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused is having illegal intimacy with the second accused and due to which, there were disputes between the first accused and his wife and that the first accused had attempted to kill his wife by hanging from ceiling fan and that the defacto complainant's daughter, despite treatment is unable to speak normally and she is taking treatment till now.

8.As rightly contended by the learned counsel for the petitioners, the main charge levelled against the petitioners is that they had supported abetted the illegal relationship of the first accused with the second accused.

9.The learned counsel for the petitioners would submit that it is not the case of the defacto complainant that the petitioners were present at the occurrence place and even according to him, one Raja/staff of the first accused was allegedly present.

10.Considering the nature of the charges levelled against the petitioners and also considering the fact that the petitioners 2 and 3 are the parents, the petitioners 1 and 4 are the relatives and 5th petitioner is the staff of the first accused, that the main accused has already been arrested and is in judicial custody and upon considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

11. Accordingly, 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 No.III, Trichy, 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 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:

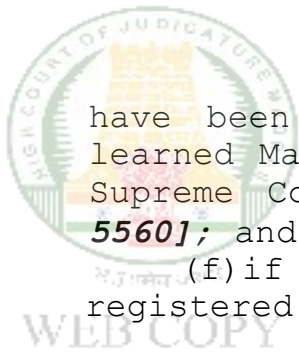
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

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

sd/-

24/11/2021

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.M.VISHNUVARTHANAN, Advocate SR.No.8513(Crl.MP(MD)).
9363/2021 in Crl.OP(MD).17042/2021)

ORDER

IN

CRL OP(MD) No.17042 of 2021

Date :24/11/2021

SA/PN/SAR.3/03.12.2021/4P/6C