



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2726 of 2022

1 SHANTHI
2 NAGARAJ
3 PURUSHOTH @ PARASURAMAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHOKOTTAI,
CR.NO. 19/2021.

[RESPONDENT]

For Petitioner : M/S.S.PANDIYAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under 294(b), 323, 498(A), 406, 506(i) of IPC and r/w 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Crime No.19 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner' son Sumanraj and the defacto complainant are husband and wife and out of wedlock they blessed with one female child. Later due to the illicit intimacy having by her husband with another lady, the defacto complainant gave a complaint on 19.03.2021, to return the sreethana properties of 9 ½ sovereigns gold and Rs.1,85,000/-. After seeing the said complaint, the petitioners who are the mother and brothers of her husband assured to return the same within six months, but did not complied the same. Afterwards, during the time of occurrence all the petitioners after made abuse, also threatened the defacto complainant with dire consequences. Hence the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed the offence as alleged by the prosecution. He further submitted that the alleged occurrence had happened due to the family dispute and as of now the main accused who is the husband of the defacto complainant secured by police and afterwards released on bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police fairly conceded that the petitioners are the in-laws of the defacto complainant. He further submits that there is no previous case pending against the petitioner and the investigation is pending. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. The submission made by the learned counsel on either side is considered.

6. The averments found in the FIR disclosed the fact that the petitioners 1 to 3 are the in-laws of the defacto complainant, and since they are related to the defacto complainant, the question of tampering of the evidence cannot be arisen. Moreover, the main accused has already been arrested and released on bail, the custodial interrogation of the petitioners may not be necessary for completing the investigation.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days before the learned District Munsif cum Judicial Magistrate Court at Uthukottai on condition that the petitioners 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 respondent police or 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 a.m , for a period of 15 days.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioner 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 petitioner 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF - CUM- JUDICIAL MAGISTRATE COURT,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHOKOTTAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.S.PANDIYAN Advocate on payment of necessary charges
SR.NO.2122

CRL OP.2726/2022

Date :07/02/2022

INBA~14/02/2022