



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7355 of 2022

1 PALANIAMMAL [PETITIONERS / ACCUSED]
2 RAMASAMY
3 RADHAMANI
4 PANNERSELVAM
5 VISWANATHAN

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASHI, THIRUPPUR DISTRICT.
(CRIME NUMBER 4/2022)

For Petitioner : M/S.R.KARTHIKEYAN 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 for the alleged offence punishable under Sections 498(A), 294(b), 323 and 506(i) of IPC, in Crime No.4 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein are arrayed as A2 to A6. The petitioners are the in-laws of the defacto complainant who has given the complaint before the Judicial Magistrate, Avinashi under Section 156(3) Cr.P.C., seeking a direction to register the complaint and investigate. Pursuant to the order passed by the Judicial Magistrate, the respondent police has registered the complaint in FIR No.4 of 2022 dated 12.03.2022 against these petitioners and one Madheshkumar/A1 who is the husband of the defacto complainant.



3. The learned counsel for the petitioners would state that the marriage between Madheshkumar/A1 and the defacto complainant was held on 17.08.2020 and due to misunderstanding between the spouses, the earlier complaint was given to the respondent police and the petitioner/A1 attended the enquiry and later all sridhana articles of the defacto complainant was handed over on 07.08.2021 and acknowledgement was also received. Thereafter, the parties decided to resolve their marriage in accordance with law. While so, a false complaint before the Judicial Magistrate, Avinashi has been filed suppressing the fact and perusing the order of the Judicial Magistrate, Avinashi, in CMP.No.5137 of 2021 dated 13.12.2021, the present FIR has been registered, apprehending arrest, the present petition has been filed.

4. On perusing the petition, the averments made in the FIR, though very serious allegations are made against these petitioners and they are also in-laws of the defacto complainant, the fact remains that in the earlier round of complaint, the petitioners herein have taken all the sridhana properties and has agreed to workout their remedy before the Court below and while so, the present complaint has been filed suppressing the earlier complaints. Except to say that, she was forced to sign in the police station under threat. The truthfulness of the complaint can be ascertained during the course of investigation. For that purpose, the custodial interrogation of these petitioners, who are only the in-laws of the defacto complainant, are not required.

5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Avinashi, Tiruppur District, on condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each, 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 condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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



(c) the petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

01/04/2022

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 JUDICIAL MAGISTRATE,
AVINASHI, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASHI, THIRUPPUR DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

+1CC to M/S.R.KARTHIKEYAN
charges SR.No.4976

Advocate on payment of necessary

CRL OP.7355/2022

Date :01/04/2022

CSK 06/04/2022