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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5765 of 2022

1. A.Vadivel
2. V.Jagatha

... Petitioners/Accused 3 & 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.
(Crime No.11/2022).

... Respondent/Complainant

For Petitioners : Mr.A.Mohamed Haneef, Advocate.

For Respondent : Mr.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2022 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 498 (A), 494, 294(b) and 147 IPC, in Crime No.11 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 12.04.2018 the marriage between the first accused and the defacto complainant was solemnized, that they have no issues and thereby, there was some dispute between the parties, due to which, the petitioners abused the defacto complainant and also assaulted her. Hence, the
complaint.

3. Admittedly, the petitioners are in-laws of the defacto complainant.

4. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the co-accused/A1, A2, A5, A6 and A7 were granted anticipatory bail by the learned Principal Sessions Judge, Thanjavur.

6. Considering the facts and circumstances of the case and considering the facts that the defacto complainant has only raised general and omnibus allegations against the petitioners herein, that the co-accused/A1, A2, A5, A6 and A7 were granted anticipatory bail by the learned Principal Sessions Judge and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Orathanadu, 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 first petitioner 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 second petitioner 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 petitioners 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.

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Sd/-
21/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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 COURT,
ORATHANADU.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
 3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PATTUKOTTAI,
THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SENTHIL M.P. Advocate SR.No.20798

ORDER
IN
CRL OP(MD) No.5765 of 2022
Date :21/04/2022