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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6755 of 2022

1. Ramu
2. Savithiri ... Petitioners/Accused
No.2 & 3

Vs

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

... Respondent/Complainant

For Petitioners : Mr.Vidhya Sagar, S.Advocate.

For Respondent : Mr.M.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 Nos.2 & 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 323, 324 and 506(ii) IPC, in Crime No.11 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner's son and the defacto complainant was solemnized in the year 2017, that subsequently there arose some misunderstanding between them, due to which, the first accused and the petitioners attacked the defacto complainant. Hence the complaint.

3. 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. He would further submit that the petitioners are living at Melavalavu and that the defacto complainant and the first accused are living at Melur.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the defacto complainant has not raised any specific allegations against the present petitioners.

5. Admittedly, the marriage between the first accused and the defacto complainant was solemnized on 18.12.2017 and that the first petitioner is the father and the second petitioner is the mother of the first accused.

6. Considering the facts and circumstances of the case and also taking note of the general and omnibus allegations levelled by the defacto complainant 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, Melur, 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/-
11/04/2022

/ TRUE COPY /

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

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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,
MELUR.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MELUR,
MADURAI DISTRICT. CRIME.NO. 11/2022.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6755 of 2022
Date :11/04/2022

SP/JM/SAR II/21/04/2022/3P/5C