



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.7037 of 2022

1. Manjula
2. Manomani,
3. Senthilkumar

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by,
The Sub Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
Crime No.6 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu M,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

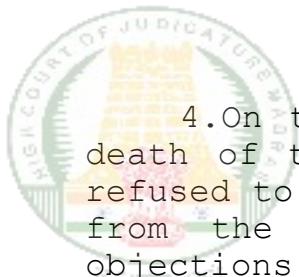
PRAYER :-For Anticipatory Bail in Crime No.6 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A) and 406 IPC, in Cr.No.6 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are in-laws of the defacto complainant. After the death of the husband of the de-facto complainant, the petitioners refused to return back the sridhana articles and also driven her out from the matrimonial home. Hence, the complaint.

3.On the side of the petitioners, it is stated that the petitioners are innocent and they have nothing to do with the alleged offence and prayed the petitioners to be released on anticipatory bail.



4. On the side of the prosecution, it is stated that after the death of the husband of the de-facto complainant, the petitioners refused to return back the sridhana articles and also driven her out from the matrimonial home and the prosecution raised serious objections for allowing this petition.

5. Considering the nature of the offence and on considering the fact that there is no bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of 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 Court No.II, Virudhunagar, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 two weeks and thereafter, as and when required for interrogation.

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

(iv) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/09/2022

/ TRUE COPY /

/09/2022

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



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 NO.II,
VIRUDHUNAGAR.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.JOTHI BASU M Advocate SR.No.9934.

ORDER
IN
CRL OP(MD) No.7037 of 2022
Date :13/09/2022

SJI
MK/SVR/SAR.II/19.09.2022/3P/6C