



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.8070 of 2022

1. Karthikeyan,

2. Rajalakkshmi,

3. Duraisamy,

4. Selvi,

... Petitioners/Accused Nos. 1 to 4

Vs

1.State Rep.by

The Inspector of Police,
All Women Police Station, Musiri,
Trichy District.
(Cr.No.12/2022).

...Respondent/Complainant

2. Haripriya,

...2nd Respondent

(R2 is suo-motu impleaded as per order of the
court dated 01/09/2022 in Crl OP(MD)No.8070 of
2022 by GIJ)

For Petitioner : M/s. Vadivelan.T., Advocate.

For R1 : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For R2 : Mr.K.Arunraj, Advocate

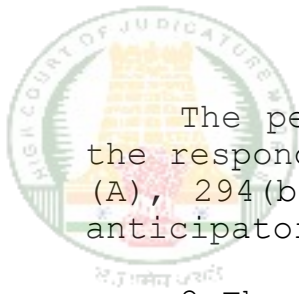
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.12/2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

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The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), 323, 506(ii) and 109 IPC in Crime No.12 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, who is the wife of the first petitioner has lodged a complaint before the respondent police stating that the petitioners caused cruelty as against the de-facto complainant.

3.The learned counsel for the petitioners would submit that the first petitioner is the husband and others are in-laws of the de-facto complainant. Due to family dispute between the first petitioner and the de-facto complainant, the present case has been falsely registered against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and five witnesses have been examined in this case and the investigation is still pending. Hence, she strongly opposed to grant anticipatory bail.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

6.At this juncture, the learned counsel appearing for the petitioners seek permission of this Court to not press this petition as against the first petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as not pressed as against the first petitioner is concerned.

7.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners 2 to 4 are in-laws of the de-facto complainant and five witnesses have been examined in this case, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

8.Accordingly, the petitioners 2 to 4 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 Court, Musiri, on condition that the petitioners 2 to 4 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 learned Magistrate concerned and on further conditions that:

(a)the petitioners 2 to 4 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 passbook to ensure their identity;

(b) the petitioners 2 to 4 shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 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 petitioners 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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/-

28/11/2022

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/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE, MUSIRI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MUSIRI,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-13857[I] dated 28/11/2022)

ORDER

IN

CRL OP(MD) No.8070 of 2022

Date : 28/11/2022

sj i

PKP/BUC/SAR-2/12.12.2022/3P/6C

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