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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.9026 of 2022

1. Panchacharam
2. Maruthaye

... Petitioners/Accused No.2 & 3

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Thiruparankundram,
Madurai.
(Crime No.10 of 2022).

... Respondent/Complainant

For Petitioners: Mr.R.Raguraman, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. side).

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

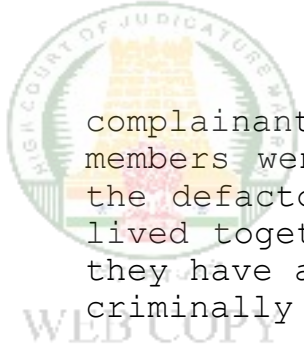
PRAYER :-

For Anticipatory Bail in Crime No.10 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 294(b), 494 and 506(ii) of IPC, in Crime No.10 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners' son and the defacto complainant are husband and wife and due to wedlock, they have been blessed with two children. During the defacto complainant's second pregnancy, the defacto complainant's husband went to army and thereafter, he did not take care of the defacto



complainant and when the defacto complainant along with her family members went to Punjab to see her husband, they came to know that the defacto complainant's husband married an another woman and they lived together and when the same was questioned to the petitioners, they have abused the defacto complainant in filthy language and also criminally intimidated her. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are in-laws of the defacto complainant. He would further submit that the serious allegations has made only against the husband of the defacto complainant and there is no specific allegations against these petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners are in-laws and that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the allegations levelled against the petitioners and these petitioners are only in-laws of the defacto complainant, hence this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Madurai, 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 the police officer who intends to arrest or to the satisfaction of the learned Sessions Judge concerned and on further condition that:

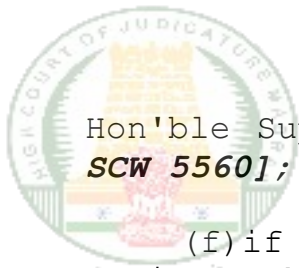
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks, thereafter, as and when required and the second petitioner shall report before the respondent police as and when required;

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

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Sessions Judge/ 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 Sessions Judge/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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
11/05/2022

/ TRUE COPY /

13/05/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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 ADDITIONAL MAHILA COURT,
MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPARANKUNDRAM, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAGURAMAN R Advocate SR.No.4643

ORDER
IN
CRL OP(MD) No.9026 of 2022
Date :11/05/2022

SP/JM/SAR IV/13/05/2022/3P/5C