



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD).No.9591 of 2022

1. Arockiam
2. Backiyam

... Petitioners/Accused 1 & 2

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District.
(Cr.No.11 of 2022)

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 494, 294(b), 323, 353 and 506(i) of IPC, in Crime No.11 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioner married the defacto complainant in the year 1982. Without getting divorce from the defacto complainant, the first petitioner married the second petitioner and when the same was questioned by the defacto complainant, the first petitioner abused her in filthy language and also assaulted her with hands and threatened her with dire consequences. Therefore, the present case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner admitted arrangements of the second marriage with the second marriage. Hence there is a dispute between the defacto complainant and the petitioners.

5.Considering the facts and circumstances of the case and also the fact that the petitioners are aged about 62 years, there is no possibility of abscondence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate, Aranthangi, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioner shall report before the respondent police on every Wednesday at 10.30 for a period of three months and thereafter, as and when required for interrogation and the second petitioner shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the 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 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]**.

Sd/-
19/05/2022

/ TRUE COPY /

/ /2022



TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARANTHANGI, PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.4864

ORDER

IN

CRL OP(MD) No.9591 of 2022

Date :19/05/2022

SP/VR/SAR IV/24/05/2022/3P/6C