



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.06.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10599 of 2022

1. Paramasivathevar @ Chinnadurai

2. Saraswathy

... Petitioners/Accused 3 & 4

Vs

State through

The Inspector of Police,

All Women Police Station,

Sankarankovil,

Tenkasi District.

(Crime No.9 of 2022)

...Respondent/Complainant

For Petitioners: Mr.S.Ragaventhre, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.3 & A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498-A, 294(b), 494, 147 and 506(1) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.9 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused, who is the son of the petitioners, and the defacto complainant are husband and wife and after marriage, the first accused assaulted the defacto complainant continuously in drunken mood and pledged her gold jewels. On 13.10.2018, the defacto complainant was sent out of the matrimonial home by the petitioners. Thereafter, the first accused



married the second accused with the consent of all other accused and when the same was questioned by the defacto complainant, the petitioners and other accused abused the defacto complainant and her family members in filthy language and also threatened them with dire consequences. Hence, the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners are not having any previous cases.

5.Considering the nature of the charges levelled against the petitioners, who are the parents of the first accused and also the facts that there existed matrimonial dispute between the first accused and the defacto complainant, that the first accused was already released on bail and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Judicial Magistrate, Sankarankovil, 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
15/06/2022

/ /2022

Sub-Assistant Registrar (C.S.III)
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 JUDICIAL MAGISTRATE,
SANKARANKOVIL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARANKOVIL, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAGAVENTHRE S Advocate SR.No.5598

ORDER
IN
CRL OP(MD) No.10599 of 2022
Date :15/06/2022

SP/SVR/SAR III/21/06/2022/3P/6C