



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.12982 of 2022

1. A.Sethuramalingam
2. S.Annamalai
3. A.Jeyalakshimi

... Petitioners/Accused Rank 1 to 3

Vs

1. The State Rep. By,
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli.
Crime No.438 of 2022.

... Respondent/Complainant

(*) 2.Saranya

... 2nd Respondent

(*R2 suomotu impleaded as per
order of this Court dated
03/08/2022 in Crl.OP(MD)
No1.12982/2022 by GIJ.

For Petitioners : Mr.Vishnu J, Advocate

For Intervener : Mr. S.Rajeshkanna, Advocate

For Respondent : Mr.M.Muthumanikkam (R1)
Government Advocate (Crl.Side)

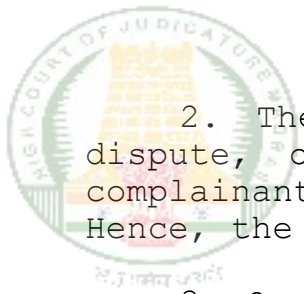
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.438 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 294(b), 323, 506(i) I.P.C r/w 4 of TNPHW Act, in Crime
No.438 of 2022 on the file of the respondent police, seek
anticipatory bail.



2. The case of the prosecution is that due to marital dispute, on 12.07.2022, the accused persons abused the defacto complainant in filthy language and criminally intimidated her. Hence, the complaint.

3. On the side of petitioners, it is stated that it is a case in counter, based upon the complaint given by the petitioners, a counter case was registered in Crime No.437 of 2022 against the defacto complainant party and that injured was discharged from the hospital. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of intervener, it is stated that the jewels and certificates of the defacto complainant are with the accused persons and they assaulted the defacto complainant and her father. Hence, raised strong opposition to allow this petition.

5. On the side of prosecution, it is stated that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.437 of 2022 against the defacto complainant party and the injured was discharged from the hospital. There is no previous cases pending against the petitioners. Investigation is not yet completed and hence, prays to dismiss the petition.

6. Considering the matrimonial dispute between the parties, the injured was discharged from the hospital, that the petitioners are not having any previous case at their credit and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

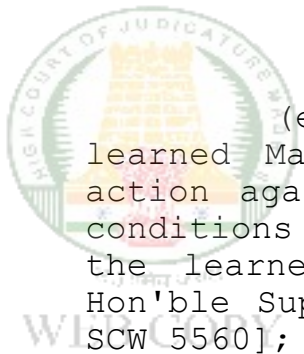
7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Tirunelveli District, on 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 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 learned 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 am until further orders;

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

(d) 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/10/2022

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/10/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12982 of 2022

Date :11/10/2022

pnm

USK/VR/SAR-I/14.10.2022/3P/5C