



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

Date : 02/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18319 of 2021

1. Gnanasekaran
2. Shanmugam
3. Thaiyal Nayagi
4. Mahalingam

: Petitioners/Accused
Rank Not Known

Vs

1. The State Rep. By,
The Inspector of Police,
All Women Police Station,
Fort, Trichy City.
(Cr.No. 17/2021)

: Respondent/Complainant

(Amended as Per Order Dated 11.01.2022
in Cr1.MP.(MD).No.11103/2021 in
Cr1.OP.(MD).No. 18319 of 2021)

2. G.Divya

: Intervenor

For Petitioner : M/s.B.Santhanam Rajesh Kumar,
Advocate.

For Respondent : Mr.Muthumanikkam,
Government Advocate (Cr1.Side)

For Intervenor : Mr.S.Ramesh Kumar, Advoate

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 498
(A),294(b) and 506(i) IPC, 2002, in Crime No.17 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that there was a matrimonial
dispute between the first petitioner and the defacto complainant,
due to which, the petitioners and his family members abused the
defacto complainant in filthy language. Hence, the complaint.



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

4.The learned counsel for the intervenor would submit that after giving birth to a child in 8 months, the petitioners had suspected her fidelity and started to harass her, that the first petitioner/husband had also abused her in filthy language and attacked her and also demanded 10 sovereigns of jewels, which were agreed to give at the time of marriage.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that there was matrimonial dispute between the first petitioner and the defacto complainant, due to which, the petitioners harassed the defacto complainant. He would further submit that serious charges levelled against the first petitioner.

6.On considering the submissions made by both sides, this Court has referred the matter to Mediation, but the Mediation ended in failure.

7.Considering the seriousness and gravity of the offence alleged as against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner.

8. In view of the above, the Criminal Original Petition is dismissed in respect of the first petitioner.

9.Admittedly, the petitioners 2 to 4 are in-laws of the defacto complainant.

10.Considering the facts and circumstances of the case and considering the facts that there existed matrimonial dispute between the first petitioner and the defacto complainant and that the petitioners 2 to 4 are not having any previous case for serious offence as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

11.Accordingly, the Criminal Original Petition is allowed and the petitioners 2 to 4 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 (Additional Mahila Court), Trichy, Trichy District, on condition that the petitioners 2 to 4 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 respondent Police or to the Police Officer, who intends to arrest or 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 pass Book to ensure their identity;

(b)the petitioners 2 and 4 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the third petitioner shall report before the respondent police as and when required for interrogation.

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

8. In the result, this Criminal Original Petition is partly allowed.

sd/-
02/03/2022

/ TRUE COPY /

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

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,
(ADDITIONAL MAHILA COURT),
TRICHY, TRICHY DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
FORT, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18319 of 2021
Date :02/03/2022

USK/VR/SAR-I/08.03.2022/4P/5C