

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

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

CRL OP(MD) . No.17727 of 2022

1. Sekar
2. Mallika
3. Selvamari
4. Alaeksa

... Petitioners/Accused No.3 to 6

Vs

State rep.by
The Sub Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.16/22).

... Respondent/Complainant

For Petitioners : Mr.Muneeswaran.B, Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 506(i) and 109 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, in Crime No.16 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner's daughter was found missing. Hence, the second petitioner and her husband lodged a girl missing complaint before the respondent. On investigation, it is revealed that the defacto complainant was also found missing. Hence, the defacto complainant lodged a complaint against the petitioners. Hence, the complaint.

3.The learned counsel for the petitioners submitted that there is a family dispute between the petitioners and the defacto complainant. As a result, a false complaint has been given against the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the first accused is absconding and the investigation is pending.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned Judicial Magistrate, Aruppukottai, 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 a.m., for a period of six weeks and the petitioners 2 to 4 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/-
06/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

IAS

TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
2. -DO-
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNGAR AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MUNEESWARAN B Advocate SR.No.11110

ORDER
IN
CRL OP(MD) No.17727 of 2022
Date :06/10/2022

SP/SS/SAR II/12/10/2022/3P/6C