



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.17801 of 2022

WEB COPY

1. Kokila
2. Dhanalakshmi
3. Vinotha

... Petitioners/Accused Nos.2,3&5

Vs.

The State Rep. By,
The Inspector of Police,
Medical College Police Station,
Thanjavur District.

(*) (Cr.No.286/2022) .

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh
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.286 of 2022** on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2, 3 & 5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 420 & 506(i) of IPC r/w Section 4 of TNPHW Act, 2002, in (*)**Crime No.286 of 2022**, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband is working at Singapore for the past four years and she was having relationship with the first accused. Due to that, the defacto complainant gave 26 ½ sovereigns of gold ornaments and cash of Rs.5,00,000/- to the petitioners for their family expenses. At this juncture, on 08.04.2022, the defacto complainant's husband returned to India and asked the defacto complainant about the money and jewels. On knowing the truth, on 13.05.2022, the defacto complainant and her husband went to the petitioners' house and asked about the money and jewels. At that time, the petitioners abused the defacto complainant by using filthy language and attacked her



with hands and also threatened her with dire consequences. the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant is having affair with the first accused. When the defacto complainant's husband return back from Singapore and came to know about the same, only to escape from this issue, the defacto complainant lodged the complaint. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor (Crl.side) appearing for the respondent police would submit that the first petitioner is the wife, second and third petitioners are the mother and sister of the first petitioner. He further submitted that the first accused had already been arrested and released on bail.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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 Additional Mahila Court, Thanjavur, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

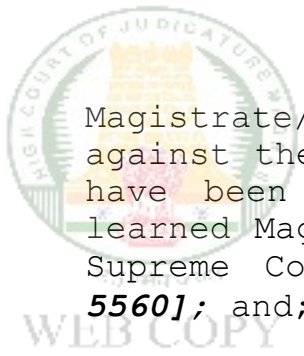
[b] the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No.240 of 2022 within a period of three weeks from the date of receipt of a copy of this order;

(c) the petitioners shall report before the respondent police **on every Wednesday and Sunday at 10.30 a.m.**, for a period of six weeks, and thereafter, as and when required for interrogation.

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
06/10/2022

(*) Amended as per order of this Court
dated 19/10/2022 in CRL MP(MD)
No.12541/2022 in CRL OP(MD) No.17801/2022.

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

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 06/10/2022 ALREADY DESPATCHED.

1. THE ADDITIONAL MAHILA JUDGE,
THANJAVUR.
2. THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-11075[I] dated 07/10/2022)

ORDER
IN
CRL OP(MD) No.17801 of 2022
Date :06/10/2022

vsd
USK/SVR/SAR- /10.10.2022/3P/5C
pnm
PKP/SSS/SAR-1/31.10.2022/3P/5C