



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

Date : 13/10/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.18171 of 2022

1. Vellaisamy @ Vellaichamy
2. Guruvammal

... Petitioners/Accused Nos.2 & 3

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
Crime No. 19 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Mohamed Ibrahim J,
Advocate.
For Respondent : M/s.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2022 on the file of the respondent Police.

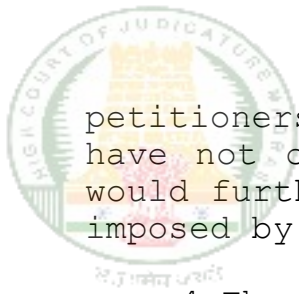
ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 323 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.19 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first accused are husband and wife and they have no issue, due to which, continuous trouble arose between them and the accused persons harassed the de-facto complainant and also abused her and criminally intimidated to her. Hence the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant went to her parental home voluntarily and

<https://www.mhc.tn.gov.in/judis>



petitioners are in-laws. The petitioners are innocents. They have not committed any offence as alleged by the prosecution. He would further submit that the petitioners shall abide by any conditions imposed by this Court and they may be granted anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a matrimonial dispute and the petitioners are in-laws of the defacto complainant. He would further submit that three witnesses have been examined so far and the investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the facts that the petitioners are in-laws and there existed matrimonial dispute between the parties, 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 their arrest or 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, Virudhunagar 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 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 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 shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners shall not tamper with 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]**; and;



(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/10/2022

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/ TRUE COPY /

/10/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE 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.J.MOHAMED IBRAHIM, Advocate (SR-11349[I] dated 13/10/2022)

ORDER
IN
CRL OP(MD) No.18171 of 2022
Date :13/10/2022

cp
USK/SBN/SAR-I/26.10.2022/3P/6C