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

Date : 31/10/2022

PRESENT

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

CRL OP(MD) . Nos.19177 and 19178 of 2022

Hemalatha ... Petitioner/Accused No.4
(in Crl.O.P(MD) .No.19177/22)

1. John Dinesh Kishore @ John Dinesh Kumar
2. Paulraj ... Petitioners/Accused No.1 & 2
(in Crl.O.P(MD) .No.19178/22)

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.
(Crime No.70/2018). ... Respondent/Complainant
(in both Petitions)

For Petitioner : M/s.S.P.Naveenkumar, Advocate
(in Crl.O.P(MD) .No.19177/22)

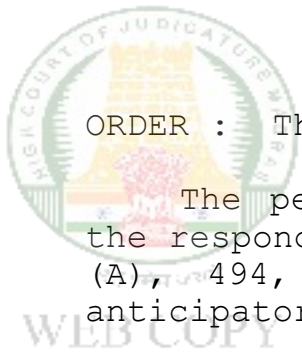
For Petitioners : M/s.Thalaimutharasu G, Advocate
(in Crl.O.P(MD) .No.19178/22)

For Respondent : Mrs.M. Aasha
Government Advocate (Crl.Side)
(in both Petitions)

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

PRAYER :-

For Anticipatory Bail in Crime No.70 of 2018 on the file of
the respondent Police.
<https://www.mhc.tn.gov.in/judis>



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), 494, 343 and 506(i) IPC in Crime No.70 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and A1 was solemnized on 08.07.2017 and after marriage they were living together in Madurai and thereafter, the defacto complainant came to know that the A1 had illicit relationship with A4. When the same was questioned by the defacto complainant, she was subjected to both mental and physical cruelty. Hence, the complaint.

3.The learned counsel for the petitioners would submit that petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that A1 to A4 were already granted anticipatory bail by this Court in the year 2019 itself but, they have not complied with the condition imposed by this Court and hence, the anticipatory bail granted to the petitioners were automatically cancelled and thereafter, A1 and A4 have filed Crl.O.P(MD).Nos. 16176 and 16718 before this Court and the same were dismissed by this Court on 27.09.2022. He would further submit that it is a third anticipatory bail petition filed by A1 and A4 and the A1 has already been arrested and remanded to judicial custody on 30.10.2022. He would further submit that the investigation of the case was completed and the charge sheet is yet to be taken on file.

5.Considering the facts and circumstances of the case and also considering the fact that investigation of the case was completed, this Court is inclined to grant anticipatory bail to the petitioner in Crl.O.P(MD).No.19177 of 2022 and the second petitioner in Crl.O.P (MD).No.19178 of 2022 with certain conditions.

6.Accordingly, the petitioner in Crl.O.P(MD).No.19177 of 2022 and the second petitioner in Crl.O.P(MD).No.19178 of 2022 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 Additional Mahila Court, Magisterial Level, Madurai, on condition that the petitioner in Crl.O.P(MD).No.19177 of 2022 and the second petitioner in Crl.O.P (MD).No.19178 of 2022 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 petitioner in CrI.O.P(MD).No.19177 of 2022 and the second petitioner in CrI.O.P(MD).No.19178 of 2022 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 petitioner in CrI.O.P(MD).No.19177 of 2022 and the second petitioner in CrI.O.P(MD).No.19178 of 2022 shall appear before the concerned Court on each and every hearing date without fail;

(c)the petitioner in CrI.O.P(MD).No.19177 of 2022 and the second petitioner in CrI.O.P(MD).No.19178 of 2022 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner in CrI.O.P(MD).No.19177 of 2022 and the second petitioner in CrI.O.P(MD).No.19178 of 2022 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 petitioner in CrI.O.P(MD).No.19177 of 2022 and the second petitioner in CrI.O.P(MD).No.19178 of 2022 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.

Considering the submission made by the learned Government Advocate (CrI. Side) that the A1 was already arrested and remanded to judicial custody, this petition is dismissed against the 1st petitioner / A1 in CrI.O.P(MD).No.19178 of 2022.

Sd/-
31/10/2022

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/11/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDGE, ADDITIONAL MAHILA COURT,
MAGISTERIAL LEVEL, MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THALLAKULAM,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NAVEENKUMAR S.P. Advocate SR.No.12195

+1. CC to M/S.THALAIMUTHARASU.G Advocate SR.No.12198

ORDER
IN
CRL OP(MD) . Nos.19177
and 19178 of 2022
Date :31/10/2022

SP/BUC/SAR IV/16/11/2022/4P/7C