



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

Date : 10/11/2022

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PRESENT

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

CRL OP(MD). No.19920 of 2022

1. Mookkandi @ Punithraj

2. Maheswari ... Petitioners/Accused Nos.1 & 2

Vs

The State Rep.by
The Sub Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
Cr.No.354/22.

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu M,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No.354/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 354C, and 506(ii) IPC in Cr.No.354 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 are husband and wife and the victim is a college going student and the 1st petitioner herein has taken a photo of victim in his cell phone and gave a love torture to her by using abusive words and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as



alleged by the prosecution and his name has been falsely included in this case.

4.The learned Government Advocate(Crl.Side) would submit that A1 tortured the victim by showing her photo in his mobile phone and also the A2 assaulted the de facto complainant and the both the petitioners have abused the defacto complainant and also threatened them with dire consequences. He would further submit that A1 is having one previous case and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering fact that there is no serious allegations levelled against the 2nd petitioner, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

6.Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri on condition that the 2nd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 2nd petitioner 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 2nd petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the 2nd petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.



In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition is dismissed as withdrawn as against the 1st petitioner.

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

TRP

TO

1. The Judicial Magistrate, Sivagiri.
 2. -do-Through The Chief Judicial Magistrate,
Tenkasi District
 3. The Sub Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-12821[I] dated 11/11/2022)

ORDER
IN
CRL OP(MD) No.19920 of 2022
Date :10/11/2022

RD/SSS/SAR-II (23/11/2022) 3P 6C