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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

[Date : 29/11/2022

PRESENT

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

CRL OP (MD) . No.20299 of 2022

1. Visva
2. Sumathra

... Petitioners/Accused
Nos.1 & 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.32 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Sankar S, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 493, 313 and 506(i) in Crime No.32 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 19.09.2022, the defacto complainant got married the first petitioner. Out of marital relationship, she became pregnant. The first petitioner's



relatives are forcible done miscarriage to her. Thereafter, she separated from the first petitioner and she was humiliated by the accused persons. Out of such humiliation, she attempted to commit suicide, but she was rescued. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant and the first petitioner separated each other amicably before six months. At the time of separation, she was not pregnant. Further the petitioners did not know anything about the alleged pregnancy and miscarriage. He would further submit that the petitioners are innocent and they have not committed any offence any offence as alleged by the prosecution. Hence, the complaint.

4. The learned Government Advocate (Crl. Side) would submit that due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant. He would further submit that there is a specific allegation levelled against the petitioners. Further, investigation in this case is not yet completed. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the nature of charges levelled against the petitioners and also the fact that there existed family 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 No.1, Kumbakonam, Thanjavur 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 weekly once i.e., on every Saturday 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/-
29/11/2022

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/12/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM, THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20299 of 2022
Date :29/11/2022