



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

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PRESENT

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

CRL OP(MD). No.20847 of 2022

1. Sadeeshkumar
2. Medaiduirai
3. Rajalakshmi

... Petitioners/Accused Rank No.1 to 3

Vs

State Rep.by
The Inspector of Police,
AWPS, Srivalliputhur Police Station,
Virudhunagar District.
(Crime No.24/2022).

... Respondent/Complainant

For Petitioners : M/s.Vidhya Sagar S, Advocate.
For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.24/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406 and 506(1) IPC, in Crime No.24 of 2022, seek anticipatory bail.

2.The first petitioner and the defacto complainant are husband and wife. The petitioners 2 and 3 are in-laws of the de-facto complainant. The marriage between the first petitioner and the defacto complainant was solemnized on 04.06.2015. After marriage, the first petitioner and his family members harassed the de-facto complainant and threatened her with dire consequences and also taken away all the jewels of the de-facto complainant. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that there are three accused involved in this case and it is a matrimonial dispute. The marriage between the first petitioner and the defacto complainant was solemnized on 04.06.2015. After marriage, the first petitioner and his family members harassed the de-facto complainant and threatened her with dire consequences and also taken away all the jewels of the de-facto complainant. Five witnesses were examined and the investigation is still pending. Hence, she strongly opposed to grant anticipatory bail.

5.At this juncture, the learned counsel appearing for the petitioners seek permission of this Court to not press this petition as against the first petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as against the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners 2 and 3 are in-laws of the de-facto complainant and five witnesses were examined in this case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

7.Accordingly, the petitioners 2 and 3 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, Additional Mahila Court, Srivilliputhur, Virudhunagar, on condition that the petitioners 2 and 3 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 learned Magistrate concerned and on further conditions that:

(a)the petitioners 2 and 3 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 2 and 3 shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 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 2 and 3 in accordance with law as if the

conditions have been imposed and the petitioners 2 and 3 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.

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/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, AWPS, SRIVALLIPUTHUR POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-13771[I] dated 25/11/2022)

ORDER

IN

CRL OP(MD) No.20847 of 2022

Date :25/11/2022

SJI

RS/SSS/SAR.4 (08.12.2022) 3P-6C