



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20641 of 2022

1. Selvarani

2. Logaselvam

3. Bosammal

... Petitioners/Accused

Vs

The State rep.by,
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
in Crime No.373 of 2022

... Respondent

For Petitioner : M/s.Sarvabhauman Associates,
Advocate.

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

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

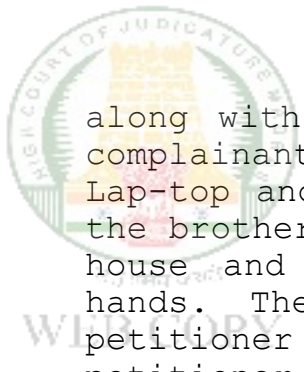
PRAYER :-

For Anticipatory Bail in Crime No.Crime No.373 of 2022 on the
file of the Respondent Police

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 294
(b), 323 and 506(ii) IPC, in Crime No.373 of 2022, seek anticipatory
bail.

2.The case of the prosecution is that the first petitioner and
the defacto complainant are the husband and wife and they have two
male children. Because of difference of opinion, they are living
separately. The children are living along with the defacto
complainant. On 03.11.2022, the children of the defacto complainant



along with one Manikandan, who is the adopt child of the complainant went to the house of the first petitioner for taking Lap-top and Key Board. At that time, the second petitioner, who is the brother of the first petitioner prevented them from entered into house and abused them in filthy language and made assault with hands. The third petitioner, who is the mother of the first petitioner also abused them. At about 04.45 p.m, the first petitioner came to the house of the defacto complainant and attacked the children with hands and also threatened them by showing knife. 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. He would further submit that the petitioner is working as P.G Assistant in Government Higher Secondary School, Manjur. On the basis of the mutual love, marriage was performed. He is a jobless man and frequently used to obtain money from the first petitioner. She maintained the family by using her income only. On account of a crime committed by the defacto complainant for kidnapping of a woman, rape and forcible removal of jewels, money from her, the defacto complainant along with 5 others were arrested on 13.06.2020. This incident was flashed in newspapers. After coming out of prison on bail, the defacto complainant repeatedly harassed the first petitioner by demanding money and physically assault her. He is a habitual offender and many criminal cases are pending against him. Hence, the first petitioner filed H.M.O.P.No.50 of 2021 seeking divorce. Prior to the 6 months ago, he took the children along with him and refused to leave them with the first petitioner. Further, the injured was discharged from the hospital and no previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital and no bad antecedent is reported against the petitioners. However, the investigation is not yet completed, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and no bad antecedent is reported against the petitioners, 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 Court, Paramakudi, 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 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 every Sunday at 06.30 p.m, 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/-

22/11/2022

/ TRUE COPY /

/12/2022

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

DSS

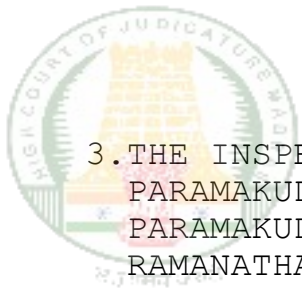
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE COURT, PARAMAKUDI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM

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



3. THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-13410[I] dated
22/11/2022)

ORDER

IN

CRL OP(MD) No.20641 of 2022

Date :22/11/2022

RK/BUC/SAR-1 (06/12/2022) 4P/6C