



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

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PRESENT

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

CRL OP(MD). No.20992 of 2022

1. Jayakodi,

2. Annalakshmi,

... Petitioners/Accused Nos. 2 & 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Theni District.
(Crime No.50/2022).

... Respondent/Complainant

For Petitioner : M/s.Jeganathan C, 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.50/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 406, 498-A and 506(i) IPC, in Crime No.50 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1 is the husband of the de-facto complainant. The marriage between A1 and the de-facto complainant was solemnized on 23.08.2012. Out of the wedlock, they have blessed with two female children. It is further alleged that A1 had illegal intimacy with the sister of the de-facto complainant namely, Muthamil Devi/A4. When the same was questioned by the de-facto complainant, the petitioners along with A1 harassed her and subjected her to cruelty. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are in-laws of the de-facto complainant and they 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 it is a matrimonial dispute and the petitioners are in-laws of the de-facto complainant and five witnesses were examined in this case and the investigation is still pending. Hence, she strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners 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 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 Additional Mahila Court (FTC), (J.M. Level), Theni 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 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 daily 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/-
28/11/2022

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/12/2022

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

TO

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

+1. CC to M/S.JEGANATHAN C Advocate SR.No.58367 (F)

ORDER
IN
CRL OP (MD) No.20992 of 2022
Date :28/11/2022

sj i
PKP/SSS/SAR-4/15.12.2022/3P/6C