



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

Date : 01/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21312 of 2022

1. Nathersha
 2. Anis Fathima
 3. Afrina @ Afrinaparveen
- ... Petitioners/Accused Nos.2 to 4

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.
(Crime No.21/2022)

... Respondent/Complainant

For Petitioners : M/s.Arunraj K,
Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.21/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 493, 294(b) and 506(i) of IPC, in Crime No.21 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant were loved together and they got married, but the petitioners, who are the parents and sister of the first accused, refused to accept the marriage. After marriage, the petitioners and other accused threatened her and also insulted her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have no knowledge about the marriage of the first



accused with the defacto complainant and they were at Bangalore. There was dispute between them, due to that, the defacto complainant filed this present complainant as against the petitioners. He would further submit that there was no harassment or cruelty as alleged by the prosecution. Only with an intention to harass the petitioners and their family members, a false case has been foisted against them. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Further, the first accused was arrested and thereafter, released on bail. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit the first accused married the defacto complainant and thereafter, cheated her and also harassed her. Further, there is a specific allegation levelled against the petitioners. He would further submit that the first accused was arrested and thereafter, released on bail and investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the facts that there existed matrimonial dispute between the parties and also the co-accused was released on bail, 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 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, Tiruchirappalli, 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 as and when required for interrogation;

(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/-
01/12/2022

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TIRUCHIRAPPALLI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ARUNRAJ K Advocate SR.No.59396(F).

ORDER
IN
CRL OP(MD) No.21312 of 2022
Date :01/12/2022

CP
USK/SSS/SAR-II/20.12.2022/3P/6C