



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21472 of 2022

1. Banjavarnam @ Panjavarnam

2. Sasikala

3. Backiyam @ Pakkiyam

... Petitioners/Accused Nos. 2 to 4

Vs

State Rep.by

The Inspector of Police,

All Women Police Station, Pudukottai,

Pudukkottai District.

(Crime No.1/2021)..

... Respondent/Complainant

For Petitioner : M/s.Karuppasamy M,Advocate

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)

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

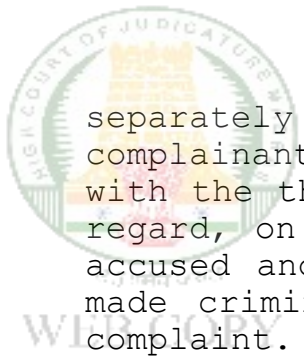
PRAYER :-

For Anticipatory Bail in Crime No.1/2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A) and 506(i) of I.P.C, in Crime No.1 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the first accused and the defacto complainant are husband and wife. Out of their wedlock, they got three children. After that, the accused persons continuously harassed the defacto complainant and as per the ill advice of his mother, the first accused had thrown away the defacto complainant from the matrimonial house. Thereafter, the first accused and the defacto complainant have been living



separately for the past four years. While so, the complainant came to know that the first accused got second marriage, with the third accused, with the help of the other accused. In this regard, on 18.11.2020, the defacto complainant approached the first accused and enquired the same. The first accused and other accused made criminal intimidation to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that due to matrimonial dispute, a false case was foisted against the petitioners. The petitioners are none other than the relatives of the first accused, who is the husband of the defacto complainant. The first accused was already enlarged on bail, as per the order of this Court in Crl.O.P(MD)No.11212 of 2022, dated 10.11.2022. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that though it is stated by the learned counsel for the petitioner that the petitioners are the relatives of the first accused, the second petitioner is the second wife of the first accused. The co-accused/A1 was already enlarged on bail by this Court. Due to matrimonial dispute, the accused persons harassed the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

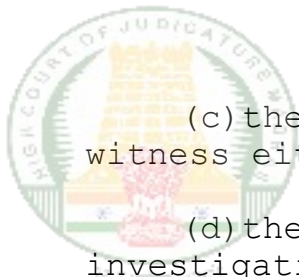
5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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, Pudukottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of respondent Police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent Police at 11:30 a.m., until further orders;



(c) the petitioners shall not tamper with the 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/12/2022

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

ORDER
IN
CRL OP(MD) No.21472 of 2022
Date : 05/12/2022

pnm
PKP/SSS/SAR-3/20.12.2022/3P/5C