



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.21539 of 2022

WEB COPY

1.S.Paramasivan
2.G.Jeya Chitra... Petitioners/1st and 2nd Accused**-Vs-**State represented by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(in Cr.No.952 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to release the Petitioners on anticipatory bail in the event of arrest by the respondent Police in Cr.No.952 of 2020 on the file of the Kovilpatti East Police Station, Thothukudi District.

For Petitioners : Mr.S.C.Herold Singh, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.952 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Rajeshwari, is that the first accused, who is her husband, along with her sister, who is the second accused, abused her with filthy language and also intimidated her. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the first petitioner is the husband of the de-facto complainant and the second petitioner is sister of the de-facto complainant. The de-facto complainant suspected that there was a illicit intimacy between them and that there was a quarrel. During such time, the incident had happened. He would further submit that the case was registered in the year 2020 and in the meanwhile, the de-facto complainant has passed way. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.



4.The learned Government Advocate would oppose it at anticipatory bail.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Kovilpatti, on condition that the petitioners shall execute 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 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 condition 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 everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation on receipt of summons.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/12/2022

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI.

2 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.HEROLD SINGH S C Advocate SR.No.14566

ORDER

IN

CRL OP (MD) No.21539 of 2022

Date :06/12/2022

cmr

SA/SSS/SAR.3/22.12.2022/3P/6C