



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22414 of 2022

WEB COPY

1.Sangeetha
2.R.Durai @ Chelladurai
3.Viji

...Petitioners/Accused No.1 to 3

-vs-

The State represented by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Cr.No.405 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.405 of 2022 on the file of the respondent Police.

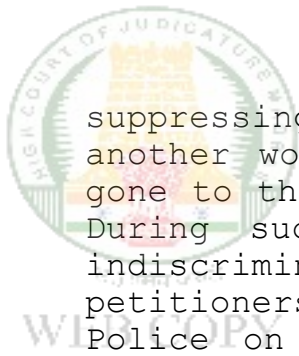
For Petitioners	: Ms.V.Muthu Lakshmi, Advocate
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 323, 324, 379(NH) and 506(ii) of IPC r/w Section 4 of TNPHW Act in Crime No. 405 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to a matrimonial dispute, the petitioner went to the de-facto complainant's house and asked her to vacate the house. When it was refused by her, the first accused stabbed the de-facto complainant with knife on her left hand and the accused 2 to 3 have attacked her with bare hands and took 1¼ grams ear ring from her. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the first petitioner had married the son of the complainant and there was a matrimonial dispute and



suppressing the marriage, the de-facto complainant's son had another woman and the first petitioner along with her parents had gone to the house of the de-facto complainant to question the same. During such time, the de-facto complainant had assaulted them indiscriminately resulting in them sustaining injury and the petitioners have given a complaint before the Superintendent of Police on 25.11.2022 and an enquiry was conducted. The de-facto complainant was summoned and in order to make out a defence, she had given a false complaint against the petitioners after a delay of 14 days.

4.The learned Government Advocate (crl.side) would submit that due to a matrimonial dispute, the petitioners have stabbed the de-facto complainant on her left hand with knife and stolen 1¼ grams of ear ring from her.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also perusing the materials available on record, 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 Court, Manamadurai, Sivagangai District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety 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:

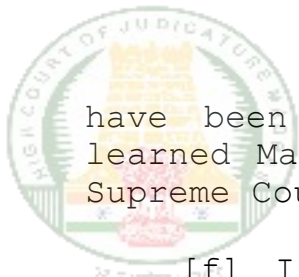
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week, thereafter, as and when required.

[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. 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/-

19/12/2022

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/12/2022

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

cmr

TO

1. THE JUDICIAL MAGISTRATE ,
MANAMADURAI, SIVAGANGAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MUTHU LAKSHMI V, Advocate (SR-15221[I] dated
20/12/2022)

ORDER

IN

CRL OP(MD) No.22414 of 2022

Date :19/12/2022

RK/VR/SAR-3 (28/12/2022) 3P/6C