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Crl.O.P(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

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

CRL.O.P (MD) Nos.22905 and 22920 of 2022

Gowsalya

...Petitioner/6th Accused
in Crl.O.P (MD) No.22905 of 2022

1.K.Senthil Kumar

2.Kaliraj

3.Kaliammal

4.Sumathi

5.Selvakumar

...Petitioners 1 to 5/Accused 1 to 5
in Crl.O.P (MD) No.22920 of 2022

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Theni District.
(Cr.No.63 of 2022)

...Respondent/Complainant in both cases

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

COMMON PRAYER: Criminal Original Petitions 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.63 of 2022 on the file of the respondent Police.

For Petitioner : Ms.P.Rathidevi
(in Crl.O.P (MD) No.22905 of 2022)

For Petitioner : Mr.P.Kumar
(in Crl.O.P (MD) No.22920 of 2022)

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)
(in both cases)

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 323, 506(i) of IPC r/w 109 of IPC and Section 4 of TNPHW Act in Crime No.63 of 2022 on the file of the respondent Police, seek
<https://www.mca21.com/> bail.



2.The case of the prosecution, as per the de-facto complainant, is that the de-facto complainant and the first petitioner are husband and wife and the first petitioner refused to live with the de-facto complainant and did not provide the maintenance and also having illegal affair with one Gowsalya, who is the petitioner in Crl.O.P.(MD)No.22905 of 2022. When the same was questioned by the de-facto complainant, the petitioners have tortured 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 petitioners are ready to abide by any stringent conditions.

4.The learned Government Advocate (crl.side) would submit that the first petitioner and the de-facto complainant are husband and wife and the first petitioner having illegal relationship with one Gowsalya, who is the petitioner in Crl.O.P.(MD)No.22905 of 2022, refused to live with the de-facto complainant and the petitioners have tortured the de-facto complainant.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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, Theni, 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 two weeks, thereafter every Saturday 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]**.

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

sd/-
23/12/2022

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/01/2023

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

CMR

TO

1.THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

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.P.RATHIDEVI, Advocate (SR-15492[I] dated 23/12/2022)

ORDER
IN

CRL.O.P(MD)Nos.22905 and 22920 of 2022
Date :23/12/2022

PKP/BUC/SAR-3/06.01.2023/3P/6C