



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

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

CRL.O.P (MD) No.800 of 2023

WEB COPY

1.Sankarasubramaniyan
2.R.Sudha

...Petitioners/Accused Nos.1 & 2

-vs-

The State represented by
The Inspector of Police,
Vallioor Police Station,
Tirunelveli District.
(Cr.No.335 of 2022)

...Respondent

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.335 of 2022 on the file of the respondent Police.

For Petitioners	: Ms.S.Vasanth Yuges
For Respondent	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.side)
For Intervenor	: Mr.C.Muthu Saravanan

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 341, 294(b), 323, 506(ii) and 379 of IPC in Crime No.335 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 the de-facto complainant and A2 are husband and wife and A1 is the father-in-law of the de-facto complainant. When the de-facto complainant went to the house of the petitioners for taking her wife abroad, the accused persons, due to some dispute, have attacked the de-facto complainant and caused injuries. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence, as alleged by the prosecution and their names have been falsely implicated in this case, due to matrimonial dispute. She would further submit that this is the third petition for anticipatory bail and the earlier petitions were dismissed on the ground that the petitioners were holding the passport of the de-facto complainant. She would further submit that after due search in the house, the



petitioners have found the passport of the de-facto complainant and they have also handed over the passport to the learned Counsel for the de-facto complainant/intervenor today and he has also given an acknowledgment for the same and thereby, the learned Counsel for the petitioners seek anticipatory bail to the petitioners.

WEB COPY

4.The learned Government Advocate (crl.side) would submit that this is the third petition for anticipatory bail and earlier the petitioners have undertaken to return the passport of the de-facto complainant, whereas, they failed to do so and that the earlier petitioners were dismissed. However, the respondent understands that the petitioners have now handed over passport to the learned Counsel for the de-facto complainant/intervenor.

5.The learned Counsel for the de-facto complainant/Intervenor would submit that he has received the passport of the de-facto complainant and that he has no objection for grant of anticipatory bail to the petitioners.

6.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., and also the fact that the petitioners have handed over the passport to the learned Counsel for the de-facto complainant/intervenor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Vallioor, 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:

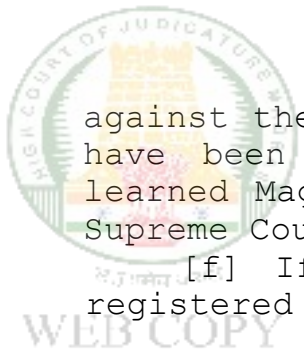
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week, thereafter every Saturday at 10.30 am until further orders and the second petitioner shall report before the respondent police as and when required on issuance 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/-
12/01/2023

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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, Vallioor.

2. Do Through The Chief Judicial Magistrate,
Tirunelveli.

3.The Inspector of Police,
Vallioor Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.VASANTHA YUGESH S, Advocate (SR-751[I] dated
12/01/2023)

CRL.O.P(MD)No.800 of 2023
12.01.2023

TR/MMS/SAR-II(24.01.2023) 3P 6C