



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.906 of 2023

1. Chidhambaram,
2. Azhahi Chidambaram,
3. Mari,
4. Valarmathi,
5. Selvi Clement, ... Petitioners/Accused Nos. 2 to 6

Vs

State Rep.by
The Station House Officer,
Pallathur Police Station,
Sivagangai District.
Crime No.110 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Arun Swaminathan. RM.,Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.110 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 498(A), 294B and 506(ii) of I.P.C., in Crime No.110 of 2022, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution, as per the de-facto complaint at Kalimuthu, is that the first accused Karuppaiah had love affair with her sister Amudha, due to which, she became pregnant and thereafter, on 30.11.2022, the first accused married her younger sister Amudha and they had set up a family in Kannan Karaikudi near Sathankovil. Later, there was a matrimonial dispute and the accused, who are the parents of said Karuppaiah, had threatened her sister stating that she should leave their son and hence, the case.

3.Originally, the case was registered under the caption for "Women missing" and later, it was altered into under Sections 417, 498(A), 294B and 506(ii) of I.P.C.

4.The learned counsel for the petitioners would submit that the petitioners are respectively the parents and relatives of the first accused Karuppaiah. He would further submit without knowledge of the petitioners, the said Karuppaiah was having a live-in-relationship with the victim girl Amudha and later, due to a matrimonial dispute, a false complaint has been given by the said Amudha's sister and the petitioners have nothing to do with the alleged offence and the main accused was arrested and he has been released on bail. Hence, he seeks for anticipatory bail.

5.The learned Government Advocate (Crl. side) would submit that the petitioners are the parents and relatives of the first accused. The first accused has married the de-facto complainant's sister without the knowledge of the petitioners and after coming to know about the marriage, the petitioners have demanded and threatened the victim girl to receive lumpsum amount and get out of the relationship with their son. Hence, he opposed to grant anticipatory bail to the petitioners.

6.Heard. Perused the materials available on record including the First Information Report.

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

8.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, Karaikudi, Sivagangai District, on condition that the petitioners shall execute a 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, daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[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/-
19/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE STATION HOUSE OFFICER
PALLATHUR POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.ARUN SWAMINATHAN RM., Advocate SR-917[I]

ORDER
IN
CRL OP(MD) No.906 of 2023
Date :19/01/2023