



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 24/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.1163 and 1171 of 2023

Yasathai @ Yasatha

... Petitioner/A2  
in Crl.O.P. (MD)No.1163 of 2023

Baladhandayutham

... Petitioner/A1  
in Crl.O.P. (MD)No.1171 of 2023

Vs

1 State rep. by  
The Inspector of Police,  
Othakadai Police Station,  
Madurai.  
Crime No.566 of 2021.

... Respondent/Complainant  
in both petitions

2 B.Meenakshi

... Petitioner/Intervener/  
Defacto Complainant  
IN CRL.M.P (MD) Nos.1626 & 1627 of 2023

In both petitions:-

For Petitioner : M/s.Chandrapandi.V,  
Advocate.

For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Crl.Side)

For Intervenor : Mr.G.Kannan  
Advocate.

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.566 of 2021 on the file of  
the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of  
the respondent police for the offences punishable under Sections  
147, 120(b), 294(b) and 506(i) of I.P.C., in Crime No.566 of 2021 on  
the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that A1, who is the husband of the de-facto complainant, had developed illegal intimacy with A2 and when it was questioned by the de-facto complainant, the petitioners abused the de-facto complainant in filthy language and threatened her with dire consequences. Hence, the case.

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

4.Even according to the case of the prosecution, the first accused had developed illegal intimacy with the second accused. Therefore, the matter has been referred for mediation and Mr.M.Ajmalkhan, learned Senior Counsel was appointed as Mediator in this matter. The learned Senior Counsel also present before this Court and represented that both the parties, namely, the first accused and the de-facto complainant are willing to live together. However, where to live is the question. Therefore, the matter has not been settled sofar. Now, the petitioners are now residing in Dubai.

5.Considering the above facts and circumstances of the case and also the fact that the custodial interrogation of the petitioners do not require in this 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, Melur, Madurai, on condition that the petitioners shall execute a 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, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation; and the second petitioner shall report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
24/04/2023

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/05/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Melur, Madurai.
2. Do-Through The Chief Judicial Magistrate, Madurai District.
3. The Inspector of Police, Othakadai Police Station, Madurai.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.CHANDRAPANDI V, Advocate ( SR-6614[I] dated 26/04/2023 )

ORDER  
IN  
CRL OP(MD) Nos.1163 and 1171 of 2023  
Date : 24/04/2023

NA/VR/SAR-3/09.05.2023/3P/6C

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