



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

WEB COPY

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

CRL.O.P (MD) No.1175 of 2023

1.Shankar Dayal Sharma
2.Premadasan

...Petitioners/Accused Nos. 1 & 3

-vs-

1.The State represented by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Cr.No.493 of 2022)

...1st Respondent/Complainant

2.Sharmila

...2nd Respondent/Defacto Complainant

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

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

For Petitioners : Mr.P.Suresh Kumar, Advocate

For R1 : 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 294(b) and 506(i) of IPC r/w Section 4 of TNPHW Act in Crime No.493 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 the first accused are the husband and wife and there were matrimonial disputes pending between them. While so, on 19.11.2022, when the de-facto complainant and her family members were going to the first accused's house to settle the issues amicably, the accused persons have abused the de-facto complainant and her family members in filthy language and criminally intimidated them. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given against them. He would also submit that the petitioners have not committed any offence, as alleged by the prosecution. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them.

4.The learned Government Advocate (Crl.side) would submit that the de-facto complainant and the first accused are the husband and wife and there were matrimonial disputes pending between them. While so, on 19.11.2022, when the de-facto complainant and her family members were going to the first accused's house to settle the issues amicably, the accused persons have abused the de-facto complainant and her family members in filthy language and criminally intimidated them. He would oppose for grant of anticipatory bail to the petitioners.

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, Thirumangalam, 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:

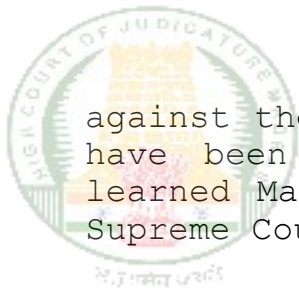
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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/-

23/01/2023

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

CMR

TO

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

+1 CC to M/s.P.SURESH KUMAR, Advocate (SR-1058[I] dated 24/01/2023)

ORDER

IN

CRL OP(MD) No.1175 of 2023

Date :23/01/2023

PKP/SSS/SAR-1/31.01.2023/3P/6C