



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2023

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PRESENT

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

CRL OP(MD) . No.2060 of 2023

1. Jayaraman,

2. Visalatchi,

3. Anjalai,

... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by

The Inspector of Police,

Kabisthalam Police Station,

Thanjavur District

(Crime No.1047 of 2022)

.... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M,Advocate.

For Respondent : Mr.M.Veeranthiran,

Government Advocate (Crl.Side)

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

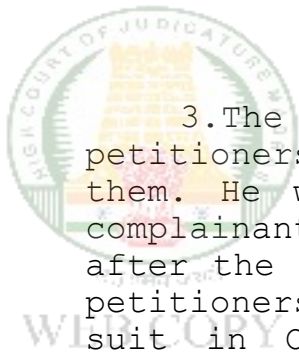
PRAYER :-

For Anticipatory Bail in Crime No.1047 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) of I.P.C., in Crime No.1047 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Vembu, is that she was married to one Govindarajan, who is the son of the third petitioner and he died on 29.07.2011 leaving behind her and two daughters. The further allegation is that the accused, who are her brother-in-law, co-sister and mother-in-law, had abused her and driven her out of the house and also refused to give her share in the property. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false case has been foisted against them. He would further submit that it is true that the de-facto complainant's husband is the son of the third petitioner. However, after the death of the son, the de-facto complainant misbehaved the petitioners and she left the home and later, she has also filed a suit in O.S.No.20 of 2023 before the District Munsif Judicial Magistrate, Papanasam, seeking for partition of property and she has also filed an application in D.V.C.No.20 of 2022 before the District Munsif Judicial Magistrate, Papanasam and while those petitions are pending, she has given a false complaint before the learned Judicial Magistrate under Section 200 of Cr.P.C., and based on the reference under Section 156(3) of Cr.P.C., the case came to be registered by respondent police. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the de-facto complainant was married to one Govindarajan, who is the son of the third petitioner and he died on 29.07.2011 leaving behind her and two daughters. He would further submit that the petitioners, who are the de-facto complainant's brother-in-law, co-sister and mother-in-law, had abused her and driven her out of the house and also refused to give her share in the property and hence, he would object for anticipatory bail.

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

6.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:

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, Papanasam, 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 two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders; and the other two petitioners 2 and 3 shall report before the respondent



police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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[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/-
02/02/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT @ KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-1657[I] dated 02/02/2023
ORDER
IN
CRL OP(MD) No.2060 of 2023
Date :02/02/2023

PKP/CG/SAR-2/09.02.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>