



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

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

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CRL.O.P(MD)No.2104 of 2023

1.P.Rajapandi

2.V.Pothumponnu

...Petitioners/Accused Nos. 2 & 3

-vs-

The State represented by
The Inspector of Police,
Melur All Women Police Station, Melur,
Melur Taluk,
Madurai District.
(Cr.No.1 of 2023)

...Respondent/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.1 of 2023 on the file of the respondent Police.

For Petitioners : Mr.S.Ramu,Advocate

For Respondent : Mr.A.Albert James
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 498A and 494 of IPC in Crime No.1 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that she is married to the first accused, Dhandapani and that they have two children. While so, she has build up a house and she was living along with her husband. Her brother-in-law, the first petitioner and his wife, the second petitioner, have spoken ill about her to her husband and thereby, there was a dispute between them and they have driven her out of the matrimonial home. The allegation is that on 06.12.2022, when she had informed



about her first daughter attained puberty, the accused assaulted her and she was admitted in a hospital. The further allegation is that her husband also married another woman without her knowledge and he has also having one child. Hence, the complaint.

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3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the first petitioner is the brother-in-law and the second petitioner is the co-sister of the de-facto complainant and due to a family dispute, a false complaint has been given. He would also submit that even taking into consideration the allegations, the offence under Section 498A of IPC cannot be made out and in view of the allegation, the offence under Section 494 is made out only as against the first accused, who is the brother of the first petitioner. Hence, he would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners and another accused have harassed the de-facto complainant and also driven her out of the matrimonial home. The first petitioner is the brother-in-law and the second petitioner is the co-sister of the de-facto complainant. He would object 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, Melur, Madurai District, 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 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/-

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

CMR

TO

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

+1 CC to M/s.S.RAMU, Advocate (SR-1666[I] dated 02/02/2023)

ORDER

IN

CRL OP(MD) No.2104 of 2023

Date :02/02/2023

PKP/VR/SAR-4/09.02.2023/3P/6C