



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/03/2023

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PRESENT

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

CRL OP(MD) . No.3174 of 2023

1. Vanishri
2. Mathiyalagan

... Petitioners/Accused No.1 & 5

Vs

State Rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.9 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Pakalavan.S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A5 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147,448,294(b),323,506(i) of IPC in Crime No. 9 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The defacto complainant is the mother-in-law of the first petitioner. The first petitioner married the son of the defacto complainant in the year 2016. The first petitioner's husband met with an accident and was admitted in a hospital at Madurai The petitioner stayed with her husband and had taken care of her. In the meantime, the fourth accused's brother was also admitted in the same hospital. The defacto complainant suspecting the first petitioner that the first petitioner having illegal affair with the fourth accused. The defacto complainant shouted the first petitioner and thrown her away from the hospital. The defacto complainant did not allow the first petitioner or her relatives to see the husband



of the first petitioner and her children. On 31.12.2022 at 1.30 pm., the first petitioner went to the house of the defacto complainant to see her husband and children but the defacto complainant did not allow the first petitioner into her house and lodged the present complaint.

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3. Heard both side and perused the materials available on record including the First Information Report.

4. Taking into consideration of the facts and circumstances of the case and also the fact that it is a case of matrimonial dispute and the petitioners herein are in-laws this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. 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 No.I, Sivagangai 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/03/2023

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/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.S.PAKALAVAN, Advocate (SR-3878[I] dated 10/03/2023)

ORDER

IN

CRL OP(MD) No.3174 of 2023

Date :10/03/2023

RS/SBN/SAR-1(16.03.2023) 3P 6C