



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

PRESENT

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

CRL.O.P (MD) No.3672 of 2023

1.M.Suthanthiram
2.M.Kapilraj
3.Bhuvaneswari

... Petitioners/Accused Nos.1 to 3

-vs-

State represented by
The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.
(Cr.No.4 of 2021)

... Respondent/Complainant

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.4 of 2021 on the file of the respondent Police.

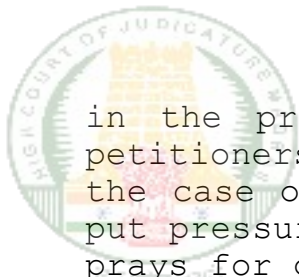
For Petitioners	: Mr.S.Balaji, Advocate
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)

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), 323, 324, 506(ii) IPC and Section 4 of Prohibition of Harassment of Women Act in Crime No.4 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Karpagajothi is that her parents had passed away 9 years ago and that she got married to her husband and she has got 2 years old male child and their marriage was a love marriage and due to that her family members got antagonized against her and on 04.01.2021 at 12.30 p.m she had gone to parental home and asked her relatives to give her share and at that time, the relative assaulted her with iron rod and abused her with filthy language and informed her that she should not ask her share. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would also submit that the defacto complainant and the petitioners are relatives. He would further submit that the defacto complainant got married to one Rajan against wishes of her parents and she was living at Chennai and she had come to their house along with her husband and his friends and created problem demanding share



in the property and she has given a false complaint as the petitioners abused and assaulted her. He would reiterate that it is the case of the year 2021 and the complaint has been given only to put pressure on the petitioners and to get share in the property. He prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (crl.side) would submit that the petitioners and the defacto complainant are relatives and the defacto complainant got married to one Rajan and it was love marriage and the accused have abused her when she demanded her share in the property and he opposes to grant anticipatory bail.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the 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 No.II, Madurai, 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 one week thereafter as and when required.

[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]**.



CRL.O.P(MD)



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[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-

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

CM

To

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, KARUPPAYURANI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3672 of 2023

Date :24/02/2023

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