



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/04/2023

PRESENT

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

CRL OP(MD) . No.6344 of 2023

1. Manju Priya
2. Saravanan

... Petitioners/Accused No.3 & 4

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
Crime No. 28 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Arunraj K,
Advocate.

For Intervenor : M/s.P.M.Vishnuvarthanan
Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 28 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 498 (A), 494, 294(b) 120(B) and 506(ii) of I.P.C., in Crime No.28 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the A1 who is the husband of the defacto complainant along with other accused persons has caused cruelty as against the defacto complainant, hence the case.



3. The learned counsel appearing for the intervenor to complainant would submit that the defacto complainant has filed a domestic violence petition seeking right of residence and the petitioners herein are disturbing her peaceful possession in the matrimonial home.

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4. The learned counsel for the petitioner would submit that the petitioners are residing at Karnataka and they never objected the right of residence and they never restrained the defacto complainant from entering into the matrimonial home.

5. Taking into consideration of the facts that it is a case of matrimonial dispute between the parties, 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, Musiri 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.



[g] It is made clear that the petitioners shall not in the defacto complainant from entering into the matrimonial home.

sd/-
05/04/2023

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

AAV

TO

1. The Judicial Magistrate, Musiri.
2. Do through the Chief Judicial Magistrate, Trichy.
3. The Inspector of Police,
All Women Police Station, Musiri,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.ARUNRAJ K, Advocate (SR-5481[I] dated 06/04/2023)

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-5604[I] dated 10/04/2023)

ORDER
IN
CRL OP(MD) No.6344 of 2023
Date : 05/04/2023

NA/BUC/SAR-3/11.04.2023/3P/7C