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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2023

PRESENT

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

CRL OP(MD) . No.7584 of 2023

1. Malar @ Malar Vizhi,

2. Meha,

... Petitioners/Accused Nos. 2 & 3

Vs

State Rep.by
The Inspector of Police,
Chinnalapatti Police Station
Dindigul District.
Crime No.46 of 2023..

... Respondent/Complainant

For Petitioners :Mr. Anand R., Advocate.

For Intervenor :Mr.S.Vishnuvardhan, Advocate

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

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

PRAYER :-

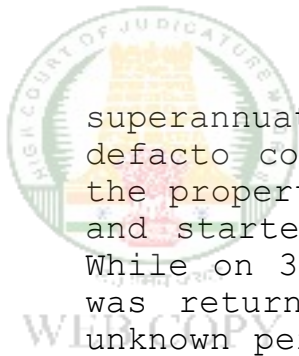
For Anticipatory Bail in Crime No.46 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 341,294(b),323,109,307 and 506(ii) of IPC in Crime No. 46 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the father of the defacto complainant said to have extra marital affair with the second petitioner. The father of the defacto complainant after

<https://www.mca.gov.in/judges>



superannuation six years back and settled with the family as the defacto complainant. Hence often the petitioners demanded share in the property. Be that as it may the second petitioner had married A1 and started to give pressure for obtaining share in the property. While on 30.03.2023 at about 9.00 pm., when the defacto complainant was returning back to the house after visiting his father four unknown persons came in a two wheeler, intercepted the two wheeler abused him in filthy language and also attacked him with knife, hence the case.

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

4. Even according to the case of prosecution the father of the victim had illegal intimacy with the first petitioner, therefore the first petitioner also claimed some property from the victims. Further there was dispute between the family members in which the petitioners herein have engaged some goondas and attacked the defacto complainant.

5. The learned counsel for the petitioners would submit that the father of the victim has also loured huge amount from the first petitioner, when it was asked back the occurrence had taken place.

6. The learned counsel for the defacto complainant would submit that the injured is still taking treatment in the hospital.

7. It is seen that there are totally seven accused in this case and the petitioners herein are arrayed as A2 and A3. Even according to the case of prosecution the petitioner along with other accused attacked the victim. Admittedly the first petitioner had illegal intimacy with the father of the victim and there was dispute between them. Taking into consideration all the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

8. 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, Athur, 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 shall pay a sum of Rs.25,000/- each directly to the defacto complainant and on production of proof/acknowledgement the learned Magistrate shall accept the same.



[b] 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.

[c] the petitioners 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

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/04/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
ATHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE ,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
CHINNALAPATTI POLICE STATION
DINDIGUL DISTRICT.



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23

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

ORDER

IN

CRL OP (MD) No.7584 of 2023

Date :24/04/2023

PKP/MMS/SAR-3/27.04.2023/ **4P/5C**