



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.05.2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8481 of 2023

1.A.Annamary
2.Michal Joshua
3.Tony Player

... Petitioners/Accused Rank 1 to 3

Vs.

State rep., by
The Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukkottai District.
(Crime No.214/2023).

... Respondent/Complainant

For Petitioners : Mr.V.Selvakumar, Advocate
For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.214 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No. 214 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The first petitioner is the first wife of defacto complainant and they were blessed with two children and thereafter, the defacto complainant got married with another lady and blessed with one male child. The defacto complainant is working as an employee in the Tamil Nadu Civil Supplies Corporation and regularly paying family maintenance Rs.8000/- to the first petitioner. Now, the allegation against the petitioners is that on 18.04.2023 at about 09.00 am., the petitioners along with 7 others rushed to the house of defacto complainant and called him to live with the first



petitioner and when the same was refused by him, all the persons abused the defacto complainant using filthy language and also attacked him and when the same was questioned by his second wife, she also got injuries. Hence, the case.

3. On the side of the petitioners, it is stated that this is the case and case in counter. The defacto complainant and his second wife attacked the first petitioner and her sister and in this regard, a case was lodged against them, but no action was taken. Thereafter, the present case was foisted against the petitioners. Further submitted that the petitioners are innocent and they are no way connected in the offence as alleged by the prosecution and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that three named accused and seven unnamed accused are involved in this case and there was a family dispute between the parties. Further submitted that injured has been discharged from the hospital on 22.04.2023.

5. Considering the nature of the offence and considering the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 daily at 10.30 am., for a period of four weeks and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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]**; and;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/05/2023

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

rmk

To

- 1 THE JUDICIAL MAGISTRATE, ARANTHANGI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ARANTHANGI POLICE STATION, ARANTHANGI, PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8481 of 2023

Date :04/05/2023

RS/VR/SAR-4(08.05.2023) 3P 5C