



CRL OP(MD) No.148 of 2024

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.148 of 2024

1 SARITHA

2 NAGULAMMAL

... Petitioners / Accused No.1 and 2

Vs

THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
(CRIME NO.809/2023.)

... Respondent / Complainant

For Petitioners : M/s.S.Satheesh Kumar, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (CrI. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.809/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police
for the alleged offence under Sections 294(b), 323, 506(i) and 379 of IPC in Cr.No.809



of 2023, seek anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant is the husband of the petitioner and son-in-law of the second petitioner. The marriage was performed much earlier. Out of wedlock, they were blessed with a 12-years-old female child and thereafter, there was a matrimonial dispute arose between the parties. Thereby, the de-facto complainant already filed a divorce petition and obtained an ex parte order. Thereafter, he made a complaint before the respondent police stating that at the instigation of A3, the petitioners entered into the de-facto complainant's finance company, attacked him and snatched his gold chain, who is available for away from the scene of occurrence. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and it is purely a family dispute and in order to wreck vengeance, a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that A3 was already arrested and remanded to judicial custody and the petitioners are the wife and mother-in-law of the de-facto complainant and the investigation is in crucial stage. However, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the



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fact that it is a matrimonial dispute between the first petitioner and the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Karur, 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 as and when required for interrogation;



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(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]; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judicial Magistrate No.I,
Karur.



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2.Do through the Chief Judicial Magistrate,
Karur District.

3.The Inspector of Police,
Karur Town Police Station,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SATHEESH KUMAR, Advocate (SR-309[I] dated 08/01/2024)

ORDER
IN
CRL OP(MD) No.148 of 2024
Date :05/01/2024

ED/ DD /SAR- (09/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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