



CRL OP(MD) No.3721 of 2024

WEB COPY

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3721 of 2024

1 SIVASANKAR

2 MANIPRIYA

... Petitioners / Accused No.1 & 2

Vs

THE INSPECTOR OF POLICE
ANDIPATTI POLICE STATION,
THENI DISTRICT.
(CRIME NO.52/2024.)

... Respondent / Complainant

For Petitioners : M/s.P.Krishnasamy, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (CrI. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.52/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the
respondent police for the alleged offence under Sections 294(b), 323 and 506(ii) of



CRL OP(MD) No.3721 of 2024

IPC in Cr.No.52 of 2024, seek anticipatory bail.

WEB COPY

2.The case of the prosecution is that the defacto complainant is the father of the first petitioner and he executed a settlement deed in favour of the first petitioner and subsequently, the petitioners refused to take care of the parents. Thereby, the defacto complainant made a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and the first petitioner has performed inter-caste marriage as against the wishes of the first petitioner's parents and thereby, the parents of the first petitioner made a false complaint against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that the defacto complainant has already made a complaint before the District Revenue Officer under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the same is pending. However, the first petitioner has not taken care of his parents and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CRL OP(MD) No.3721 of 2024

WEB COPY

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, Andipatti, Theni District, 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 first petitioner 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; and the second petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either



CRL OP(MD) No.3721 of 2024

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/-
08/03/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judicial Magistrate,
Andipatti, Theni District.



CRL OP(MD) No.3721 of 2024

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

3.The Inspector of Police,
Andipatti Police Station,
Theni District.

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

ORDER
IN
CRL OP(MD) No.3721 of 2024
Date :08/03/2024

ED/ GS /SAR- (14/03/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023