



CRL OP(MD). No.9280 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9280 of 2024

1 S.I.Saheed Askar

2 S.M.S.Ibrahim Ali

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
Crime No.14/2024

... Respondent/Complainant

A.Asitha

... Intervening Petitioner/Defacto Complainant
In CRL MP(MD).7171/2024 in CRL OP(MD).9280/2024

For Petitioners : Mr.R.Babu Jaganath, Advocate.
For Respondent : Mr.K.Sanjai Gandhi, Government Advocate (Crl.Side)
For Intervener : Mr.K.Saravanan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.14/2024 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 offences punishable under Sections 498(A), 506(i) of IPC and Section 4 of TNPWH Act, in Crime No.14 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto

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complainant are the husband and wife. The first petitioner is having illegal intimacy with another woman. When the same was questioned by the defacto complainant, the first petitioner and the other accused have abused the defacto complainant in filthy language and also gave sleeping pills to her. Thereby, she suffered a lot. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the defacto complainant would submit that the first petitioner and the defacto complainant have 7 years old male child and 11 months female baby. The first petitioner is having illegal intimacy with another woman, harassed the defacto complainant. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and charge sheet is yet to be filed.

6.Considering the facts and circumstances of the case and also considering the fact that the major portion of the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of



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their 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 No.1, Ramnad, 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 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 weekly once i.e., every Saturday at 10.30 am until further orders.

(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]; and;



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229-A IPC.

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section

sd/-
23/07/2024

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/07/2024

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, RAMNAD.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.BABU JAGANATH, Advocate (SR-8474[I] dated 24/07/2024)

ORDER IN
CRL OP(MD) No.9280 of 2024
Date :23/07/2024

RS/VR/SAR-(31.07.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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