



CRL OP(MD). No.12780 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12780 of 2024

1. Sowriraj @ Sowrirajan,

2. Santhamary,

... Petitioners/ Accused No.2&3

Vs

The Inspector of Police,
Thiruvidadaimaruthur Police Station,
Thanjavur District.
Crime No. 600/2024..

... Respondent/Complainant

For Petitioners : M/s. Gurumoorthy. S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 600 of 2024 on the file of the Respondent police.



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ORDER: The Court made the following order :-

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The petitioners/ A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS, r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.600 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and A1 are the husband and wife. The petitioners herein are the brother and mother of A1. on 08.07.2024, at about 11.00 pm, A1 and the petitioners have abused the defacto complainant in filthy language and assaulted her with wooden stick and caused injuries. Further, they threatened her with dire consequences. 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. He would further submit that it is a matrimonial dispute between the husband and wife and the petitioners herein are only in-laws. The injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The Additional Public Prosecutor would submit that the the investigation is still pending. However, he fairly submitted that it is a matrimonial dispute between the husband and wife. Now, the injured was discharged from the hospital and no previous case is pending against the petitioners.

5.The learned counsel for the petitioners would submit that the name of the respondent was wrongly mentioned as 'The Inspector of Police, Swamimalai Police Station, Thanjavur District' instead of 'The Inspector of Police, Thiruvudaimaruthur Police Station, Thanjavur District' and the same may be corrected.

6.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute between the husband and wife, the injured was discharged from the hospital and no bad antecedent is reported against the petitioners, 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 arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate,



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Thiruvidadaimaruthur, on condition that the petitioner 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; It is made clear that no relaxation of the condition for the said period will be entertained by this Court;

(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;



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(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE THIRUVIDAIMARUTHUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



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3 THE INSPECTOR OF POLICE
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.12780 of 2024
Date :06/08/2024

SS/VR/SAR- /20/08/2024/6P/5C

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