



CRL OP(MD) No.16876 of 2023

WEB COPY

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16876 of 2023

1 SAKTHIVEL

2 RAJAMMAL

... PETITIONERS/ ACCUSED 1 & 2

Vs

1 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.463 OF 2023.

... RESPONDENT/COMPLAINANT

2 SUGITHA
(R2 IS SUO-MOTU IMPLEADED AS PER ORDER
OF THE COURT DT 19/09/2023 IN CRL.OP(MD)
16876 OF 2023)

... 2nd RESPONDENT

For Petitioner : M/S.SENTHIL KUMAR R Advocate

For R1 : Mr.B.NAMBISELVAN, Additional Public Prosecutor

For R2 : Mr.S.POORNACHANDRAN, Advocate

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



CRL OP(MD) No.16876 of 2023

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.463 OF 2023 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 punishable under Sections 294(b), 323, 324, 427, 506(ii) IPC and Section 4 of the Tamil Nadu Prevention of Women Harassment Act in Crime No.463 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant got married with the first petitioner during the period of 2017 at Koodal Alagar Perumal Kovil, Madurai. The defacto complainant fell in love with the first petitioner and got married with him. Out of their wedlock, they got two female children(Twins) on 14.04.2018. The first petitioner is working as a Revenue Inspector at Mannarkudi, Thiruvarur District and subsequently, trnasferred to Thiruvannamalai. The defacto complainant was having acquaintance with the first petitioner during the period of 2012, when she was preparing for the IAS examination. The defacto complainant succeeded in the competitive examination and got appointment in Group-I cadre and posted as Assistant Commissioner, Commercial Tax, Coimbatore during the period 2016 and subsequently, she got appointment of District Registrar, Madurai. Thereafter, the defacto complainant wrote the competitive examination and got the appointment of training Deputy Collector, Pudukottai during the period 2020-21.



CRL OP(MD) No.16876 of 2023

WEB COPY

Subsequently, she has been appointed and working as Revenue Divisional Officer, Sivagangai till today. Since the defacto complainant got higher post, the first petitioner made quarrel with the defacto complainant repeatedly, extracted money from her and also assaulted her. Hence, the defacto complainant preferred the present complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that initially the defacto complainant Assistant Commissioner, Commercial Tax, Coimbatore and the petitioner was appointed as Revenue Inspector. Subsequently, the defacto complainant got appointment as Revenue Divisional Officer and thereafter, she failed to take care of the family. When the same was questioned by the first petitioner, the defacto complainant preferred the present false complaint. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned counsel appearing for the second respondent would submit that the first petitioner herein entered into the quarters of RDO, which is situated nearby the Court of Principal District Judge and repeatedly harassed her. That apart, by using the minor children, the petitioner used to extract money from the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.



CRL OP(MD) No.16876 of 2023

WEB COPY

5.The learned Additional Public Prosecutor appearing for the first respondent Police would submit that investigation in this case is not yet completed.

6.Considering the gravity of the offence committed by the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this criminal original petition is dismissed as far as the first petitioner is concerned.

7.On perusal of records reveals that all the allegations are levelled as against the first petitioner alone and there is no specific allegation as against the second petitioner. Therefore, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivagangai on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 second petitioner 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;



CRL OP(MD) No.16876 of 2023

WEB COPY

(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 second petitioner shall report before the respondent police as and when required;

(d)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/01/2024

/ TRUE COPY /

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



CRL OP(MD) No.16876 of 2023

GNS

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-442[I] dated 09/01/2024)

ORDER IN
CRL OP(MD) No.16876 of 2023
Date :09/01/2024

SA/DD/SAR. /12.01.2024/6P/6C

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