

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 23rd day of January -2021.

Crl.M.P.No.482/2021

1. Saravanan, S/o.Veeranan

2. Menaka, D/o.Veeranan

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Melavalavu P.S. Cr.No.06/2021

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.C.Dhanasekaran, Advocate for the petitioners and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Anticipatory Bail application u/s 438 of Cr.P.C.
2. The offences alleged are under sections 294(b), 323 , 506(ii) and 109 of IPC
3. Heard both.
4. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. The respondent police has registered a case against the petitioner and other for the offences under sections 294(b), 323 , 506(ii) and 109 of IPC. The petitioners apprehend arrest at the hands of police. The defacto complainant is the wife of the 1st accused. Due to matrimonial dispute, false case has been foisted against the petitioners. The injured discharged from the hospital. Hence he prays to grant anticipatory bail to the petitioners.

5. The learned public prosecutor submitted that the defacto complainant is the wife of the 1st accused in this case. The 2nd accused is the sister-in-law of the defacto complainant. On 7.1.2021 due to family dispute, the petitioners used filthy language against the defacto complainant and the 1st accused assaulted the defacto complainant with bamboo stick and caused simple injuries to her. The injured was discharged from the hospital on 10.1.2021. No previous case is pending against the petitioners. He placed his objection.

6. The petitioners are said to have used filthy language against the defacto complainant and assaulted her with bamboo stick and caused injuries to her, consequently, the present case came to be registered. It is stated that the defacto complainant is the wife of the 1st accused. The learned public prosecutor fairly submit that the injured discharged from the hospital. Therefore, considering the fact that the injured discharged from the hospital and also considering the relationship between the parties, this Court is inclined to grant anticipatory bail to the petitioners on condition.

7. In the result in the event of arrest or on their surrendering before the Court concerned the petitioners are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- each with two sureties each for a likesum to the satisfaction of Judicial Magistrate, Melur subject to the following conditions:-

(i) The petitioners shall surrender before the Court concerned within 15 days from today without fail.

(ii) The petitioners shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.m. until further orders.

(iii) The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.

If there is any violation of condition, the Investigation officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail even though anticipatory bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **Shaji/Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in Open Court on the 23rd day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.Melur.
2. The Inspector of Police, Melavalavu P.S.
3. The Petitioners through his counsel.