



Crl.OP(MD)No.12432 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date of Reserved : 27/09/2023

Date of Pronounced : 04/10/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12432 of 2023

1.Sathaiah
2.Chokkalingam
3.Nagammal
4.Janaki

... Petitioners/ Accused No.1 to 4

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai district.
(Crime No.14 of 2023)

... Respondent/ Complainant

Lavanya

... Petitioner/ Intervener

In Crl MP(MD).13433/2023 in Crl OP(MD).12432/2023

For Petitioners	:	Mr.N.Anandakumar, Advocate
For Respondent	:	Mr.S.Manikandan Government Advocate (Criminal side)
For Intervenor	:	Mr.S.Saravana Kumar, Advocate

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

PRAYER:-

For Anticipatory Bail in Crime No.14 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A1 to A4 apprehend arrest at the hands of the respondent police for the offences punishable under sections 294(b), 498(A) and

323 IPC, in Crime No.14 of 2023 on the file of the respondent police, seek anticipatory

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution as per the de-facto complainant version is that the marriage between herself and A1 was performed, on 01/06/2022. After the marriage, she was living in joint family along with her in-laws in Karaikudi. At that time of marriage, sufficient seervarisai and sridhana articles were provided. But during the first night, there was no cooperation on the part of A1. He wantonly avoided her. For about four months, they were living together. On a particular day, the father-in-law picked up quarrel on a petty issue. A1 also joined with his father in making quarrel, so also the mother-in-law. They started ill-treating her by demanding more dowry, etc. She was also physically assaulted by her husband, mother-in-law and sister-in-law. A1 also tried to strangulate her and stamped her on the chest and other regions. With the above said allegations, she filed the above said complaint. Upon which, the present case in Crime No.14 of 2023 has been given against the accused persons for the offences stated above.

3.Pending hearing process, the matter was referred to the Mediation and Conciliation Centre, attached to Bench. But no settlement could be arrived by the Mediation Centre on the ground of non-cooperation on the side of A1 for conjugal relationship.

4.The first accused and the de-facto complainant was directed to be present



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before this court. The de-facto complainant has stated that because of physical disability nature of A1, the marriage could be consummated. But it is the contra allegation of A1. During the course of the investigation, the District Social Welfare Officer has also undertaken the conciliation process. During the course of the above said enquiry, it was found that there was no harassment or ill-treatment, demanding dowry, etc.

5. So from the factual circumstances of the case, it is seen that because of the alleged physical nature of A1, trouble has arisen between the parties. This is one of the reasons for non-consummation of marriage and the present complaint. With regard to the return of the articles and other things, the de-facto complainant can work out her remedy through appropriate legal process.

6. In view of the above fact, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Karaikudi and on each of them executing 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 learned Judicial Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under



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Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned

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Magistrate within a period of 15 days from the date on which the order is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-

04/10/2023

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/10/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1 THE JUDICIAL MAGISTRATE, KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-14627[I] dated 04/10/2023)

ORDER IN

CRL OP(MD) No.12432 of 2023

Date :04/10/2023

RS/JGB/SAR-(16.10.2023) 4P 6C

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