



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13492 of 2023

and

CrI.M.P(MD) No.11448 of 2023

O.Selvarajan

... Petitioner/ Accused No.5

Vs

The State, represented by  
The Sub-Inspector of Police,  
All Women Police Station,  
Madurai District.  
(Crime No.20 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.S.M.A.Jinnah,  
Advocate.

For Respondent : Mr.S.Manikandan,  
Government Advocate (CrI.Side)

For Intervenor : Mr.D.S.Haroon Rasheed.  
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.20 of 2023 on the file of the Respondent Police.



**ORDER :** The Court made the following order :-

The petitioner/Accused No.5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 506(i) of I.P.C, in Crime No.20 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant version is that the marriage between the defacto complainant and the first accused took place on 16.05.2019. At that time of marriage, she was provided sufficient sridhana articles, jewellery etcetra. At that time of marriage arrangements, they were informed that the first accused had completed Engineering decree course and is getting Rs.40,000/- as salary in a private company. After the marriage, they were living in joint family, but the first accused used come to the house in the drunken mood, used to assault the defacto complainant and demanded 60 soverigns of gold jewels for purchasing the property. But that was refused by her. So, she was harrassed, but however, she gave the jewellery to them. On 11.11.2022, she was assaulted by the first accused. So she was living with her child in her parental home. Inspite of repeated compromise, continuous demand has made for payment of money. Hence, the complaint.



3. Seeking anticipatory bail, this petition has been filed by the fifth accused. The matter was referred to the Mediation Centre, but no settlement could be arrived. So, the matter was heard on merits.

4. The learned counsel for the petitioner would submit that so far as this petitioner is concerned, he is no way involved in the issue between the husband and wife. At that time of leaving the house, the defacto complainant took all the jewels. This petitioner is maternal uncle of the first accused. On 21.06.2023, the first accused gave a complaint for reunion, but that was withdrawn later. Further, the petitioner is the professor in Medical College, Madurai and his name is purposefully included.

5. Per contra, the learned counsel for the intervenor would submit that the jewellery received by the first accused has been handed over to this petitioner and he is keeping the above said jewellery.

6. However, considering the fact that the petitioner is maternal uncle of the first accused and he was not living in joint family with the defacto complainant and the first accused, only the bald allegation has been made against the petitioner and also considering that the limited overt act attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.



7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.1, Usilampatti, Madurai, on condition that the 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed. The connected Criminal Miscellaneous Petition is allowed.

sd/-  
19/09/2023

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/09/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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TO

1 The Judicial Magistrate No.1, Usilampatti, Madurai.

2 Do through the Chief Judicial Magistrate,  
Madurai.

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



3 The Sub-Inspector of Police,  
All Women Police Station,  
Madurai District.

4 The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.S.M.A.JINNAH, Advocate ( SR-13970[I] dated 21/09/2023 )

ORDER  
IN

CRL OP(MD) No.13492 of 2023  
Date :19/09/2023

SSA/GB/22.09.2023/5P/6C

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