



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

Thursday, the Third day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN
CRL OP(MD) No.20440 of 2016

1 BOOPALAN
2 SATHASIVAM
3 THIRUPPATHIAMMAN
4 RAJA

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI CITY,
Crime No.28 of 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.RANJITH Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A) and 506(i) of I.P.C in Crime No.28 of 2016 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

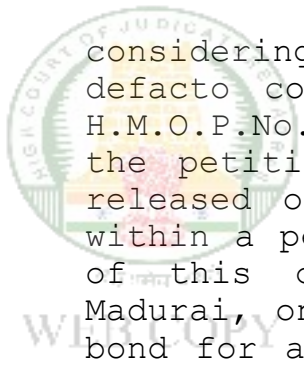
3.The case of the prosecution is that the defacto complainant got married with the first petitioner and thereafter, due to misunderstanding between the couple, the defacto complainant left the matrimonial home. Hence, the present complaint has been lodged.

4.It is submitted by the learned counsel for the petitioners that due to misunderstanding between the first petitioner and the defacto complainant, the first petitioner filed H.M.O.P.No.72 of 2016 before the Sub-Court, seeking divorce. Thereafter, a false complaint has been given by the defacto complainant on 11.10.2016. He further submitted that the petitioners are innocent persons and they have not committed any offence and prays for anticipatory bail in favour of the petitioners.

5.The learned Government Advocate (Crl. side) submitted that this is a case of matrimonial dispute and the petitioners are the in-laws of the defacto complainant.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Considering the facts and circumstances of the case and also



considering the fact that the first petitioner/husband of the defacto complainant had already filed a petition for divorce in H.M.O.P.No.72 of 2016, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioners shall execute a separate 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] the petitioner Nos.1,2 and 4 shall report before the respondent daily at 10.30 a.m., and the third petitioner being a lady, she shall appear before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial. [d] 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]**.

sd/-
03/11/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THALLAKULAM, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.RANJITH Advocate SR.No.65567

ORDER
IN
CRL OP(MD) No.20440 of 2016
Date :03/11/2016