



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.20927 of 2016

1 NATCHAMMAL
2 MANIVANNAN
3 PREMA MUTHU
4 USHADEVI
5 VELUSAMI

... PETITIONER/ACCUSED NO.2 TO 6

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
CRIME NO.90 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDHAMBARAM 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 :-

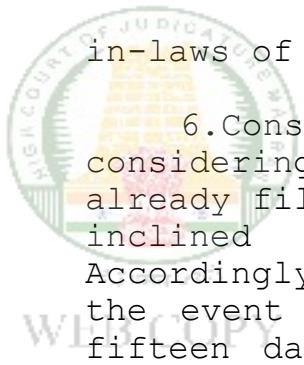
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A) & 406 of I.P.C in Crime No.90 of 2016 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the marriage between the defacto complainant and the first accused was solemnized on 01.06.2014 and due to wed-lock, they got one female child. Thereafter, some family dispute arose between the couple. Hence, the present complaint has been lodged.

4.It is submitted by the learned counsel for the petitioners that due to misunderstanding between A-1 and the defacto complainant, A-1 filed H.M.O.P.No.290 of 2016 in the month of August, 2016, seeking divorce. Therefore, a false complaint has been given by the defacto complainant on 18.10.2016. He further submitted that the petitioners are in-law of the defacto complainant and they 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.

6.Considering the facts and circumstances of the case and also considering the fact that A-1/husband of the defacto complainant had already filed a petition for divorce in H.M.O.P.No.290 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, Melur, Madurai District, 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 petitioners shall report before the respondent 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

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE,MELUR, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,MELUR, MADURAI DISTRICT.

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

+1. CC to M/S.S.SATHYA CHIDHAMBARAM Advocate SR.No.65444

PM

CSL/CK/SAR-I/09.11.2016: 2P/6C

ORDER

IN

CRL OP(MD) No.20927 of 2016

Date :03/11/2016