



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

Wednesday, the Thirtieth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22195 of 2016

SOFIA

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR,
CRIME NO.5/2016

... RESPONDENT/COMPLAINANT

A.M.MURUGESAN

... PETITIONER/NIL/DEFACTO COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR Advocate

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

For Intervenor : M/S.S.GOKULRAJ, Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 494 and 506(ii) IPC in Crime No.5 of 2016 on the file of the respondent police, the petitioner/A2 has come forward with this petition, seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that on the basis of the complaint lodged by the husband of the petitioner, the present FIR has been registered. In the complaint, it has been averred that when the marital relationship between the defacto complainant and the petitioner is in force, she has entered into a second marriage with one Sathiyamoorthy and when the same was questioned, the petitioner along with with other accused is alleged to have abused the defacto



complainant in filthy language and also threatened him in dire consequences.

4. Learned counsel for the petitioner would submit that it is a matrimonial dispute and due to the difference of opinion between the petitioner and the defacto complainant, this false complaint came to be registered against the petitioner

5. Learned Government Advocate (Crl.Side) has submitted that based on the direction of this Court issued in Crl.O.P.(MD) No.7646 of 2016, this case has been registered and the investigation of the case is pending.

6. Learned counsel for the Intervenor strongly objected to the grant of anticipatory bail to the petitioner stating that the marriage of the petitioner and the Intervenor took place on 19.10.2011 and out of the wedlock, they were blessed with a male child on 23.08.2013. It is represented that despite several efforts taken by the elders in the family, she did not return to the matrimonial home and to the utter shock and surprise, the petitioner also attempted to give the son (born to her and the Intervenor) in adoption to a third party.

7. When this matter was taken up for hearing in my Chamber, both the petitioner and the Intervenor along with their child and respective counsel are present. On enquiry with the petitioner, she, while denying her 2nd marriage and her relationship with the said Sathiyamoorthy, refused to live with the Intervenor, even though the Intervenor is prepared and willing to lead his life with her and his son. The petitioner was also not ready to handover the custody of the child to the Intervenor and this Court cannot force her to entrust the child with the Intervenor in view of the provisions of the Section 6 of the Hindu Minority and Guardianship Act.

8. This Court had conversation with the child, who reposed ignorantly and uttered that he has two Papas, out of whom, one is the Intervenor and he has been mesmerized to say in such a way by his mother and on seeing the same, everybody's eyes were filled with tears, as one of the future generations of our country has been spoiled ruthlessly and the ensuing career of the child at the hands of the petitioner is a million dollar question mark.

9. India is known for its culture and civilization and in the Indian Society, a wedding is not just the coming together of two people rather two souls, which strengthens their significance, chastity and faith in the life. Western Countries adopt our age old customs, whereas we, Indians in the name of modernization follow their bad habits and try to thrust it upon others, which, as a result, collapses our family system.

10. In this case, the question as to whether the petitioner has involved in Polyandry or not, is the matter for investigation and the same has to be established in trial, for which, custodial interrogation of the petitioner is a must. Therefore, taking note of the serious nature of the offences alleged as against the



petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

11. Accordingly, this Criminal Original Petition is dismissed.

sd/-
30/11/2016

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

TO

- 1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARUR.
- 2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.GOKULRAJ, Advocate SR.No.78414

AR
CSL/SKN/SAR-II/20.12.2016: 2P/4C

ORDER
IN
CRL OP(MD) No.22195 of 2016
Date :30/11/2016