



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

Tuesday, the Fourth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20570 of 2018

1.S.ANANDHAN
2 R.SUBBAIAH
3 S.MANORANJITHAM
4 T.RAJESWARI
5 L.INDRA

... PETITIONERS / ACCUSED NOS.1 TO 5

Vs

STATEREPRESENTED THROUGH
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI SOUTH,
MADURAI
(CRIME NO.19/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.R.PRITHIVIRAJ Advocate

For Respondent : MR.M.ASOKAN,
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 IPC in Cr.No.19 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was taken place on 15.11.2002. The petitioners herein are the husband and in-laws of the defacto complainant. The defacto complainant has two grown up children, who are studying tenth and seventh standard, respectively. On 13.05.2018, the wife of the first petitioner left the matrimonial house along with her children due to the abnormal behaviour of one Senthilkumar. The first petitioner had immediately filed H.M.O.P.No.142 of 2018 for restitution of conjugal rights, in which



the defacto complainant also entered appearance. In the meanwhile the defacto complainant filed a petition in M.C.No.81 of 2018, seeking maintenance of Rs.5,000/- per month. Both the cases are pending. In the meanwhile, this complaint has been registered.

3. Since the matter appears to be a matrimonial dispute, this Court felt that the case may be referred to Mediation Centre for amicable settlement and hence, the case was referred to the Mediation Centre. Both in two hearings i.e., on 30.11.2018 and 03.12.2018, despite receiving the communication, the defacto complainant expressed that she is not willing to participate in the Mediation Process. The first petitioner and the defacto complainant were living in a separate house right from the date of marriage.

4. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offence.

5. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

6. Taking into consideration the facts of the case and the submissions by learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Court No.1, 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 said Magistrate, on further condition that:

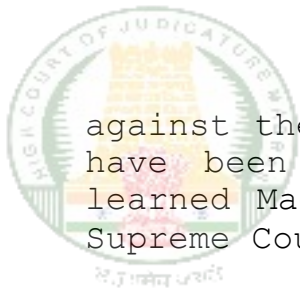
[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 10.30 am for a period of ten days and thereafter as and when required for interrogation and other petitioners shall appear before the respondent police as and when required for interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI SOUTH,
MADURAI.

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

+1. CC to MR.P.R.PRITHIVIRAJ Advocate SR.No.22669

ORDER
IN
CRL OP(MD) No.20570 of 2018
Date :04/12/2018

AE/VR MMS/SAR1/11.12.2018/3P/6C