



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

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2841 of 2019

1. JEYARAMAN
2. RAMALAKSHMI

... PETITIONERS /2ND & 3RD PETITIONERS
ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI.
(IN CRIME NO. 46 OF 2018

... RESPONDENT /RESPONDENT/COMPLAINANT

For Petitioners : MR.K.MANIKANDAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 417, 406 and 506(i) of IPC, in Cr.No. 46 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The petitioners herein are A2 and A3, who are the father -in-law and mother -in law of the defacto complainant. The case of the prosecution is that the marriage between the first accused and the defacto complainant took place on 30.01.2015 and right from the beginning the marriage was not consummated due to physical incapability of the first accused. Despite the defacto complainant had provided moral support and took the first accused to various hospital for treatment. The first accused physical condition could not improved. Thereafter the first accused expressed that he is no more interested in the matrimonial life and inroder to solve loan due to the bank which was obtained during her sister's marriage, he had accepted for marriage. The first accused physical incapability



has been known to the petitioners family and in order to grab money and jewels from the defacto complainant, they have never said anything to the defacto complainant and performed the marriage. Due to this marriage the defacto complainant not only lost her life but also jewels and cash.

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3. The learned counsel for the petitioners would submit that the first accused was ill treated from the date of marriage. He would also submit that the first accused did not suffer from epilepsy and he is ready for re-union. The petitioner 2 and 3 are parents of the first petitioner and they have not committed any offence as alleged by the prosecution. He would also submit that the petitioner is now willing to deposit Rs.1,00,000/- without prejudice to his rights to the credit in Crime No.46 of 2018 before the Additional Mahila Court, Madurai

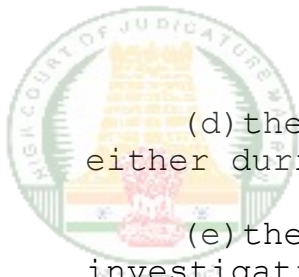
4. The learned Government Advocate (Crl.Side) would submit that the petitioners knowing full well that their son is impotent destroyed the life of the defacto complainant and the in-laws have also helped the first accused to destroy the life and in view of the same, the defacto complainant had lost her life and money and opposed for grant of anticipatory bail to the petitioners..

5. Considering the facts and circumstances and considering the fact that petitioners have come forward to deposit Rs.1,00,000/- without prejudice to their rights and contentions, this Court is 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 Additional Mahila Court, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 are directed to deposit Rs.1,00,000/- to the credit in Crime No. 46 of 2018 before the Additional Mahila Court within a period of 15 days from the date of receipt of a copy of this order and on such deposit the learned Magistrate shall accept the sureties.

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m until further orders



(d) the petitioners shall not tamper with 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/03/2019

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

TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT,
MADURAI
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.K.MANIKANDAN Advocate SR.No.4956

ORDER
IN
CRL OP(MD) No.2841 of 2019
Date :15/03/2019

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AE/PN/SAR-II/20.03.2019/3P/5C

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