



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.789 of 2019

1.M.MEENAMBAL,
2 M.GANESA MURUGAN,

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
(CRIME NO.NOT KNOWN/2019)

... RESPONDENT

THAMARAI SELVI

... INTERVENER PETITIONER/
DEFACTO COMPLAINANT
IN CRL MP(MD) No. 1493 of 2019
IN CRL OP(MD) No. 789 of 2019

For Petitioners : MR.SULTHAN BASHA, Advocate for
M/S.AJMAL ASSOCIATES

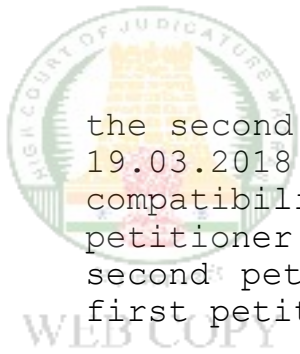
For Respondent : MR.K.SUYAMBULILNGA BHARATHI,
Govt. Advocate (Crl. Side)

For Intervener : MR.S.THAMIZHARASAN, Advocate
IN CRL MP(MD) No. 1493 of 2019
IN CRL OP(MD) No. 789 of 2019

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 offences punishable under Section 498(A) I.P.C. and Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 4 of Dowry Prohibition Act and subsequently, which were altered to Sections 498(A), 406 and 506(i) IPC, in Crime No.3 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the mother-in-law of the de-facto complainant. The marriage between



the second petitioner and the de-facto complainant was solemnized on 19.03.2018 at Karaikudi, Sivagangai District and there was no compatibility in between the de-facto complainant and the second petitioner. The grievance of the de-facto complainant is that the second petitioner is acted as per the wishes of his mother, the first petitioner herein.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. In fact, the second petitioner is ready to live with the de-facto complainant, but the de-facto complainant refused to live with him.

4.The learned counsel appearing for the Intervenor submitted that the de-facto complainant made allegations in respect of relationship of the mother and son and the de-facto complainant wants to confirmation that the second petitioner will not continue his relationship with his mother and without any confirmation, she is not in a position to join with the second petitioner/husband.

5.The Government Advocate (Criminal side) submitted that initially, the case was registered under Section 498(A) IPC and thereafter, it was altered to Sections 498(A), 406 and 506(i) IPC. He further submitted that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the above said submissions, this Court is inclined to grant anticipatory bail to the petitioners.

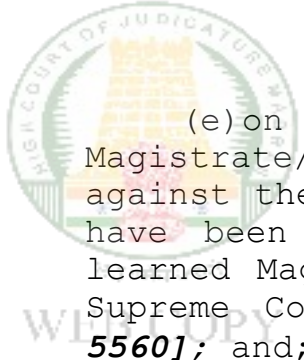
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that each of them shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the 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 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;

(b)the petitioners shall appear before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;



(e) 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;

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

sd/-
20/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
KARAIKUDI, SIVAGANGAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.3534
+1. CC to MR.S.THAMIZHARASAN, Advocate SR.No.3556

ORDER
IN
CRL OP(MD) No.789 of 2019
Date :20/02/2019

MSI/PN/SAR-I/22.02.2019-3P/7C