



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.956 & 997 of 2019

D.MAHENDRAN

... PETITIONER/SOLE ACCUSED
IN CRL OP(MD)No.956/2019

1.MAHENDREN,
2.DHANUSHKODI
3.ANGAYARKANI

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)
IN CRL OP(MD)No.997/2019

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VALLAM, THANJAVUR DISTRICT.
CRIME NO.11/2018
IN CRL OP(MD)No.956/2019

... RESPONDENT/COMPLAINANT

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
AMMANPETTAI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.12/2018
IN CRL OP(MD)No.997/2019

... RESPONDENT/COMPLAINANT

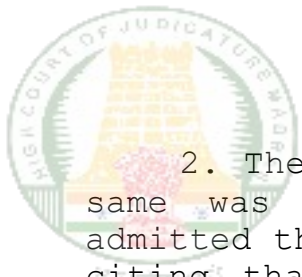
For Petitioners : MR.T.INDRACHITHU, Advocate
IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner is the single accused in Crime No.11 of 2018. The *de facto* complainant one Ramya claims herself to be the wife of the accused. The *de facto* complainant has completed M.Sc., M.Ph.Ed and working as a teacher in Maxwell Matriculation Higher Secondary School. The marriage between the *de facto* complainant and the accused took place on 24.01.2011 at Iyyanar Temple, Madurai and after marriage, they were living as husband and wife.



2. The accused has suppressed his earlier marriage and when the same was questioned by the *de facto* complainant, the accused admitted the same and produced the Court order and certain documents citing that he has got divorce from his first wife. After that incident, the accused and the *de facto* complainant were living together.

3. Out of the wedlock, they have one son born on 18.06.2012. Thereafter, life was smooth for some years and during the past several months, the accused is said to have acquired the habit of drinking and started giving harassment to the *de facto* complainant and demanded money. The parents of the *de facto* complainant also used to give money on the demand of the accused. Even then he was not satisfied with the same and for the past several months, the accused started living separately even without taking care of his son. The *de facto* complainant took several steps to contact the accused but nothing was succeeded. Thereafter, she made a complaint to the respondent police and then to the Superintendent of Police on 20.08.2018 and then he had filed a petition before the learned Judicial Magistrate II, Thanjavur.

4. With regard to Crl.O.P.(MD) No.997 of 2019, the case of the prosecution is that on 05.11.2018 the *de facto* complainant was admitted as in-patient and on receipt of the information from Thanjavur Medical College Hospital, case was registered. On 04.11.2018 at about 11:00 a.m., the *de facto* complainant had visited the house of the petitioner and questioned her husband Mahendran/petitioner the reason for tying of 'thali' for not taking care of the *de facto* complainant and her son. The petitioner in turn to offend the *de facto* complainant pulled the thali from her neck. During the incident, the petitioner was present along with his first wife Angayarkanni and the father of the first petitioner viz., Dhanushkodi and all set to have attempted to put ant poison in her mouth but she avoided. Thereafter, they had poured kerosene on her head. The *de facto* complainant came running outside the house for help and later registered a complainant against the petitioner and others.

5. The contention of the petitioner/accused was that in an earlier petition with similar allegation filed against him by the *de facto* complainant in Crime No.92 of 2018, the petitioner filed Anticipatory bail and the same was granted by this Court. The *de facto* complainant is in the habit of making such false complaints against the petitioner.

6. Considering the rival submissions made by the learned counsels, the marriage between the first petitioner and the *de facto* complainant is itself a questionable one. The *de facto* complainant is an educated person who is working as a teacher and she could not have deceived as claimed in the petition. Further, the second petitioner, aged 75 years, is the father of the first petitioner and



the third petitioner, is the wife of the first petitioner with whom marriage had taken place in the year 2003 and they have two children. Admittedly, the *de facto* complainant is set to have married the first petitioner on 24.01.2001.

7. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate Court, Papanasam, Thanjavur District on condition that the petitioners 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 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]**.

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

sd/-

24/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VALLAM,
THANJAVUR DISTRICT.

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

+2. CC to MR.T.INDRACHITHU, Advocate SR.Nos.1313,1314

ORDER
IN
CRL OP(MD) Nos.956 & 997 of 2019
Date :24/01/2019

STS
PK/PN/SAR-1/07.02.2019 : 4P/7C