



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) . No.5917 of 2019

Santhiya ... Petitioner/Defacto Complainant

Vs

1.S.K.Suresh Anand
2.S.Kanagaraaj
3.K.Muthulakshmi
4.S.K.Kamalanand

...Respondents 1 to 4/Accused 1-4

5.The State rep.by
The Sub Inspector of Police,
All Women Police Station, Palani,
Dindigul District
Crime No.4/2019

... Respondent No.5/Complainants

For Petitioner : M/s.S.Balamurugan, Advocate.
For R1 to R5 : Mr.M.Maran, Advocate
For R5 : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :- To cancel the anticipatory bail granted in favour of respondents/ accused 1 to 4 by order dated 15.05.2019, in Crl.OP(MD) No.6990 of 2019 and arrest and commit them to custody.

ORDER : The Court made the following order :-

The first respondent S.K.Suresh Anand got married to Santhiya, the defacto complainant herein on 29.08.2018. The marital relationship between them broke down. The petitioner herein lodged a complaint before the All Women Police Station, Palani Dindigul District. Apprehending arrest, S.K.Suresh Anand filed Crl OP(MD) No.5379 of 2019 before this court. It appears that during the pendency of the said petition, one more complaint was lodged by the petitioner Santhiya and based on the same, Crime No.4 of 2019 was registered on the file of the Sub Inspector of Police, All Women Police Station, Palani. Thereupon, S.K.Suresh Anand and his



parents and brother filed Crl OP(MD)No.6990 of 2019 during the vacation sitting of this Court and anticipatory bail was granted on 15.05.2019. Seeking the cancellation of the same, Santhiya filed this miscellaneous petition.

2.This court heard the learned counsel on either side. It is not in dispute that even during the pendency of Crl OP(MD)No.5379 of 2019, Crl OP(MD)No.6990 of 2019 came to be filed. In the subsequent petition for anticipatory bail, there was no mention about the pendency of Crl.OP(MD)No.5379 of 2019. Thus, on the very face of it, this court can come to the conclusion that the accused have moved this Court with unclean hands.

3.The first respondent is working as Assistant Manager in Indian Overseas Bank, Perambalur. If he is arrested his service may be affected. Therefore, this Court suggested to him to make an offer to the defacto complainant. The parties will have to necessarily workout their rights before the jurisdictional family court or civil court. Till final orders are passed, the first respondent S.K.Suresh Anand undertakes to pay a sum of Rs.10,000/- per month as maintenance to Santhiya. Of course, Santhiya would make a claim that her certificates as well as jewellery with the first respondent. But, he would strongly deny the same.

4.I am not in a position to go into these aspects in these proceedings. It is for the petitioner to file an appropriate application before the concerned court to get relief in this regard. Since the first respondent undertakes to pay monthly maintenance, I am of the view that no further orders are necessary in this petition. Recording the undertaking given by the first respondent who is present in person before this Court, this petition stands dismissed.

sd/-
09/09/2019

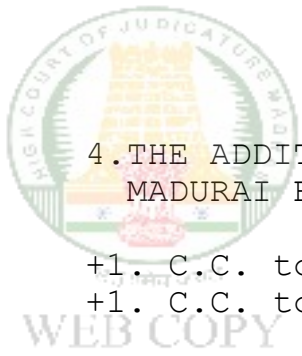
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE,
PALANI, DINDIGUL DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3.THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PALANI,
DINDIGUL DISTRICT.

<https://hcservices.mca.gov.in/Details>



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

+1. C.C. to Mr.S.BALAMURUGAN Advocate SR.No.15160
+1. C.C. to Mr.M.MARAN Advocate SR.No.15226

ORDER
IN
CRL MP (MD) No.5917 of 2019
IN
CRL OP (MD) No.6990 of 2019
Date :09/09/2019

TK/MMS/SAR.2/16.09.2019/3P/7C