



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21087 of 2018

1 ILANTHEVAN CHANDRAN JEYABALAN
2 C. RAMASAMY
3 LILLY RAMASAMY

... PETITIONERS / ACCUSED
No. 1 to 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THILAGARTHIDAL,
MADURAI CITY,
Crime NO.21/2018

... RESPONDENT / COMPLAINANT

P.MUTHU SELVI

...PETITIONER/INTERVENOR

For Petitioner : Mr.K.MANAVALAN Advocate

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

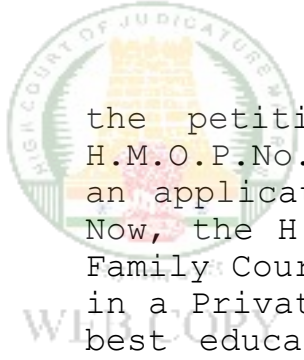
For Intervenor : M/S.C.AROCKIA SELVI Advocate

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 Sections 498-A, 406 and 506(i) of IPC, in Cr.No.21 of 2018 seek anticipatory bail.

2. The petitioners are the husband, father-in-law, mother-in-law of the defacto complainant. The marriage between first petitioner and the defacto complainant was solemnized on 11.05.2012 and they have two children viz., Prince Pugal Maran and Priyangasara. The Prince Pugal Maran, aged 5 years studying U.K.G., in P.S.B.B.Senior Secondary CBSE School, K.K.Nagar, Chennai-78 and Priyangasara, aged 16 years studing XI Std., in Shri B.S.Mootha Girls Senior Secondary CBSE School, West Mambalam, Chennai-33. The accused No.1 had left the matrimonial home on 11.12.2017 and filed



the petition for divorce before the Family Court, Madurai in H.M.O.P.No.93 of 2018 and thereafter, the defacto complainant filed an application for transferring the case in H.M.O.P.No.93 of 2018. Now, the H.M.O.P., has been transferred to the file of I Additional Family Court, Chennai. The defacto complainant is working as Teacher in a Private School and she is taking care of her children providing best education to her children. The defacto complainant has also produced the bills of fees to her children. The petitioners are withholding 200 sovereigns of jewels and now demanding a sum of Rs.50 lakhs as additional dowry. Hence, unable to meet out the demand, she has forced to leave the matrimonial home and she is living with her children. The first petitioner is working in a private concern and he has been receiving a salary of around Rs.65,000/- per month. The Bank statement and the employment particulars have been produced.

3.The learned counsel appearing for the petitioners would submit that the first petitioner is willing to take care of the defacto complainant, but the defacto complainant on her own volition left the matrimonial home. The petitioners have been falsly implicated in this case.

4.Contrary to the submission of the learned counsel for the petitioners, the HMOP has been filed by the first petitioner is seeking for divorce and not for restitution of conjugal rights. The first petitioner is very adamant that he would make the payment only for the educational fees of their children.

5.The learned Government Advocate (Crl.side) would submit that it is a matrimonial dispute and the investigation is carrying on.

6. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Madurai on condition that the petitioners shall deposit a sum of Rs.2,00,000/- to the credit of Cr.No.21 of 2018, before the Additional Mahila Court, Madurai before execution of sureties. The said Additional Mahila Court, Madurai is directed to return the said amount of Rs.2,00,000/- to the defacto complainant for the benefit of their children education and other expenses. It is made clear that this payment of Rs.2,00,000/- will no way affect the petitioners right in other proceedings and on further 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 said Magistrate, on further condition that:



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

[b] the petitioners shall report 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/-
22/01/2019

/ TRUE COPY /

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

TO

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

- +1. CC to Mr.K.MANAVALAN Advocate SR.No.1291
+1. CC to M/S.C.AROCKIA SELVI Advocate SR.No.1062

ORDER
IN
CRL OP(MD) No.21087 of 2018
Date :22/01/2019

TK/PN/SAR-2/31.01.2019/3P/6C