



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

Date : 09/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10434 of 2019

1. A.Jency Stephen
2. A.Josephin Jantharic Mary
3. H.Nithya Aarosh,
4. A.David Lourdu Raj ... Petitioners/Rank No not known

Vs

State rep. by

1. The Inspector of Police,
Omachikulam Police Station,
Madurai District.
(In crime 159 of 2019).
2. The Sub Inspector of Police,
Appanthirupathy Police Station
Madurai District. ... Respondents/Complainants

For Petitioners: M/s.N.Mariappan,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in Crime number not known on the file of
the respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294
(b), 323, 355, 417 and 506 (i) of IPC and Section 4 of DP Act and

<https://hcservices.ecourts.gov.in/hcservices/>



Section 4 of TNPHW Act, in Crime No.159 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the matter has been amicably settled between the parties. He further submitted that the first petitioner agreed to arrange separate house and agreed to return 7 sovereigns of gold jewels. The defacto complainant also agreed to give no objection for quashing FIR after delivery, and hence, he prayed anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the matter has been settled before the Mediation Centre.

5. As per the order of this Court, dated 31.07.2019, the matter has been referred to Mediation. The parties appeared before the Mediation and Conciliation Centre attached to this Bench and the Mediator has sent a report. Para 6 of the report, reads as follows;-

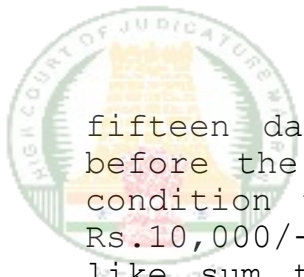
"6. The following settlement has been arrived at between the parties hereto;

- a) petitioner/husband should work properly.*
- b) Whenever defacto-complainant/wife willing to go to her home, the petitioner shall not prevent her.*
- c) Mobile phone should not be misused.*
- d) Petitioner agrees to arrange for separate house respondent/wife after delivery"*
- e) The petitioner agrees to return 7 sovereigns gold jewel tomorrow.*
- f) Petitioner undertakes the safety of the complainant will be safe guard.*
- g) Defacto-complainant agrees to give no objection in FIR quash after delivery"*

6. Today, when the matter is came up for hearing, the learned counsel for the petitioners as well as the learned Government Advocate has submitted that the matter has been amicably settled before the Mediation and Conciliation Centre attached to this Bench and in pursuance of the same, the first petitioner/husband has agreed to arrange a separate house after delivery of the defacto complainant/wife.

8. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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, (JM Level), Madurai 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/08/2019

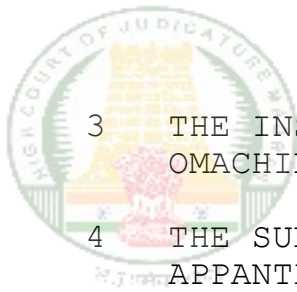
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL MAHILA JUDGE, (JM LEVEL), MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.



3 THE INSPECTOR OF POLICE,
OMACHIKULAM POLICE STATION, MADURAI DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
APPANTHIRUPATHY POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.N.MARIAPPAN Advocate SR.No.13316

ORDER

IN

CRL OP(MD) No.10434 of 2019

Date :09/08/2019

AM/PN/SAR-3/19.08.2019/4p-7c