



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2019

WEB COPY

PRESENT

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

CRL OP(MD) . No.10613 of 2019

1. K.Rengarajan,
2. K.Subbulakshmi @ Sumathi,
3. Kathirvel Pillai ... Petitioner/Accused 1 to 3

Vs

State Through
The Inspector of Police,
All Women Police Station,
Thirumangalam, Madurai District in
Crime No. 11 of 2019. ... Respondents/Complainants

S.Ramya ... Intervener/Defacto Complainant

For Petitioners : M/s.J.Devasenar,
Advocate.

For R1 : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.S.Sivaprakash

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

PRAYER :-

For Anticipatory Bail in Crime No. 11 of 2019 on the file of
the Respondent Police.

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioners,
learned Government Advocate (Crl.side) appearing for the respondent
and the learned counsel appearing for the intervener.



2.The petitioners apprehending arrest at the hands of the respondent for the offences under Sections 498-A, 406 and 506(i) of IPC, seek anticipatory bail.

3.The learned counsel appearing for the intervener submitted that the first petitioner had pledged some jewels belonging to the defacto complainant and that, the petitioners may be directed to redeem the same and hand over it to the defacto complainant.

4.It is seen that the marriage between the first petitioner and the defacto complainant took place in the year 2009 and that, two children were born through the wedlock. The first petitioner has filed H.M.O.P.No.220 of 2018 on the file of the Sub Court, Thirumangalam for dissolving his marriage on the grounds of cruelty and desertion. The said H.M.O.P was filed on 13.11.2018. FIR was registered only on 05.07.2019. Though this submission appears to be having considerable force and substances, the intervener counsel would point out that even on 28.10.2018, the defacto complainant filed a petition against the petitioners before the respondent police and that C.S.R.No.506 of 2018 was issued. The first petitioner made it appears as if the issue has been compromised and met the defacto complainant to drop further proceedings. Thereafter, he cleverly filed H.M.O.P.No.220 of 2018. His further claim is that the subject matter of the C.S.R.No.506 of 2018 was on the same lines.

5.In these circumstances, I am of the view that the first petitioner is not entitled to grant of anticipatory bail. Since the 2nd and 3rd petitioners are only in-laws, I am inclined to grant anticipatory bail to them.

6.Accordingly, the 2nd and 3rd petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumangulam and on their executing 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 learned Magistrate concerned and on further condition that the petitioners 2 and 3 shall appear before the respondent police as and when required for interrogation. The petitioners 2 and 3 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners 2 and 3 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.



WEB COPY

CRL OP(MD) . No.10613 of 2019

8.This criminal original petition is allowed as far as A2 and A3 are concerned, but it stands dismissed as far as A1 is concerned.

sd/-

04/09/2019

/ TRUE COPY /

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

TO

1. The Judicial Magistrate, Thirumangulam.
2. Do through the Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
All Women Police Station,
Thirumangalam, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.N.KAMESH, Advocate Sr. No. 85454

ORDER

IN

CRL OP(MD) No.10613 of 2019

Date : 04/09/2019

TR/PN/SAR- II(12.09.2019) 3P 6C