



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

Date : 02/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3922 of 2020

1.D.Alagarsamy
2.D.Tamilmani

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thilagar Tidal, Madurai City.
Crime No.9 of 2020.

... Respondent/Complainant

For Petitioners : M/s.M.Karthikeyavenkitachalapathy,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

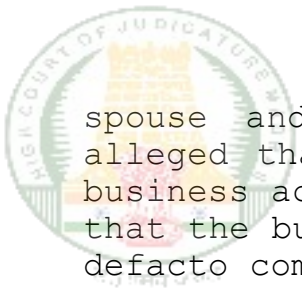
For Anticipatory Bail in Crime No.9 of 2020 on the file of the
Respondent Police

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 498(A)
and 406 of IPC seek anticipatory bail.

2. Heard both sides.

3. It is case of matrimonial discard which has lead to the
complaint by the wife for the offence under Sections 498(A) and 406
of IPC. The defacto complainant and the first petitioner got
married in the year 2000 and they did not have any issues, hence
they adopted a girl child by name Akalya. Due to the alleged extra
marital affair by the first petitioner there was discard between the



spouse and the first petitioner. The defacto complainant had alleged that the first accused had withdrawn Rs.35 lakhs from the business account of her. However the first petitioner has submitted that the business was commenced by the petitioner is the name of the defacto complainant.

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4. The learned Government Advocate(Crl.Side) appearing for the State would submit that the allegation of withdrawing a sum of Rs.35 lakhs from the account of the defacto complainant has to be investigated. Further the first petitioner has also filed HMOP44 of 2020 for divorce and GWOP45 of 2020 to appoint him as guardian for his adopted child Akalya and both the petitions are pending before the Family Court, Madurai.

5. In view of the facts stated in the First Information Report and also by the learned Government Advocate(Crl.Side) and based on the CD file, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court (Magisterial Level), Madurai on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) each 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) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/03/2020

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

TO

1. THE ADDITIONAL MAHILA COURT
(MAGISTRATE LEVEL I), MADURAI.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR TIDAL, MADURAI CITY.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to M/S.M.KARTHIKEYAVENKITACHALAPATHY Advocate SR.No.4606

ORDER
IN
CRL OP(MD) No.3922 of 2020
Date : 02/03/2020

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