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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7432 of 2020

1. Anantha Babu
2. Marimuthu
3. M.Latha

... Petitioners/Accused Nos.1 to 3

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapum District.
Cr.No.7 of 2020

... Respondent/Complainant

A.Muthupandiyammal

... Petitioner/Defacto Complainant
in Crl.MP(MD)No.3834/2020
in Crl.OP(MD)No.7432/2020

For Petitioners : No appearance
For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor
For Intervener : Mr.K.Ramanathan, Advocate

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

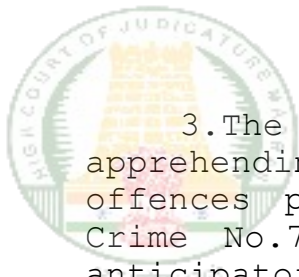
PRAYER :-

For Anticipatory Bail in Crime No. 07 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

When the matter was taken up for hearing on 26.08.2020, there
was no representation on behalf of the petitioners. Hence, the
matter was posted under the caption "for dismissal" on 27.08.2020.

2. Even today (27.08.2020), there is no representation on behalf
of the petitioners.



3.The petitioners, who are arrayed as Accused No.1 to 3, apprehending arrest at the hands of the respondent Police for the offences punishable under Sections 498(A) and 506(i) of IPC, in Crime No.7 of 2020 on the file of the respondent Police, seek anticipatory bail.

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4.The case of the prosecution is that the defacto complainant is the wife of the first petitioner and daughter-in-law of the second and third petitioners. The allegation against the petitioners is that the first petitioner had love affairs with the defacto complainant and he had sexual intercourse with the defacto complainant and subsequently, she got pregnant. Thereafter, the first petitioner got married to the defacto complainant. Thereafter, the defacto complainant was admitted in Ramanathapuram Government Hospital for delivery by the first petitioner and on the same day, a male child was born. Thereafter, the first petitioner has not returned back to the house of the defacto complainant and, she went to the matrimonial home and asked for reunion. But the same was refused by the petitioners 2 and 3 stating that they are taking steps for the second marriage to the first petitioner, and criminally intimidated her. Hence, the crime has been registered.

5.Heard the learned counsel appearing for the intervener/defacto complainant and the learned Additional Public Prosecutor appearing for the respondent Police.

6.Earlier when the matter came up for hearing, the learned counsel appearing for the petitioners submitted that there is a chance for reunion of the first petitioner with the defacto complainant and the second petitioner filed an affidavit stating that the first petitioner and the defacto complainant are living together. Subsequently, the learned counsel appearing for the defacto complainant/intervener submitted that it is a false affidavit filed by the petitioners before the respondent Police, in fact there is no reunion, and they are living separately.

7.Considering the facts and circumstances of the case and also considering the allegation that the petitioners 2 and 3 are taking steps for second marriage to the first petitioner leaving the defacto complainant with a child and also criminally intimidated the defacto complainant, I am not inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this criminal original petition is dismissed.

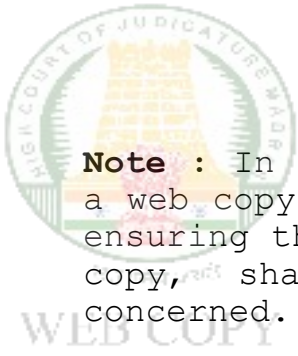
sd/-

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVADANAI,
RAMANATHAPUAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.7432 of 2020
Date :27/08/2020

VSG
TE/PN/SAR-II : 02/09/2020 : 3P/3C