



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.8342 of 2020

1. Muthaiah @ Mutaiah
2. Vijayalakshmi
3. Malathi
4. Mathivanan

... Petitioners/Accused No.2to5

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
(in Crime No.10/2020).

... Respondent/Complainant

For Petitioner : M/s.P.M.Vishnuvarthanan,
Advocate.

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

For Intervener : Mr.D.Venkatesh, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.10/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who are arrayed as A-2 to A-5, apprehending arrest at the hands of the respondent police for the offences punishable under section 31 of Domestic Violence Act, in Crime No.10 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners who are arrayed as A-2 to A-5. Earlier, the defacto complainant has filed a petition under Domestic Violence Act before the Court below against the petitioners herein/in-laws and her husband/A-1 and the Court below has passed an order on 0504.2019 to pay maintenance, but, they have not paid any amount to the defacto complainant. Hence, the crime has been registered under Section 31 of Domestic Violence Act.



3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. It is seen from the records that the case was adjourned periodically enabling the petitioner to pay maintenance amount to the defacto complainant, but the petitioners herein and her husband/A-1, did not come forward to pay any maintenance amount to the defacto complainant. Eventhough the Court below has passed an order on 05.04.2019, till now, the defacto complainant has not received any maintenance amount from the petitioners and A-1, hence, this Court is not inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the Criminal Original Petition stands dismissed.

sd/-
28/09/2020

/ TRUE COPY /

/ /2020
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,
KARAIKUDI,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8342 of 2020
Date : 28/09/2020

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SRS/ AKM/ SAR-IV/ 01.10.2020/ 2P/3C

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