



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

Date : 09/10/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11085 of 2020

1. T.Balasubramaniam

2. Kothainayaki

... Petitioners/Accused No.1 & 2

Vs

State Rep. by

The Inspector of Police,

All Women Police Station,

Tallakulam, Madurai District.

Crime No.30/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/S.Ajmal Associates

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.30 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, 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.30 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first petitioner. The first petitioner got married the defacto complainant and at that time, the parents of the defacto complainant have given a sufficient dowry. After the marriage, the first petitioner is having illegal relationship with one Supraja. When the same was questioned by the defacto complainant, there was a wordy quarrel between the first petitioner and the defacto complainant, in which, the first petitioner abused the defacto complainant by using filthy language and also harassed her. Thereafter, the defacto complainant said to have attempted suicide by consuming rat poison. Based on the complaint given by the defacto complainant, the crime has been registered against the



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the defacto complainant has suspected the character of the first petitioner, due to which, there was a wordy quarrel between the petitioner, in which, the defacto complainant said to have attempted suicide by consuming poison. Thereafter, the defacto complainant was admitted in the hospital by the first petitioner. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the first petitioner has suspected the character of the defacto complainant and he compelled the defacto complainant for virgin test, due to which, the defacto complainant said to have attempted suicide by consuming rat poison.

6. Considering the facts circumstances and also considering the fact there is a matrimonial dispute between the first petitioner and the defacto complainant and there is no serious allegation against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Additional Mahila Court, Madurai, on condition that the petitioners shall execute 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 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;

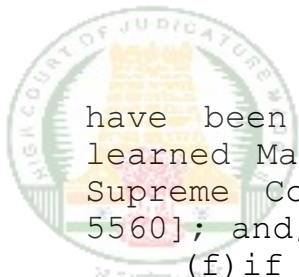
(b) the first petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation. Further, the second petitioner shall report before the respondent as and when required for interrogation.

(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

<https://hccsreports.dhcc/hccsreports/> 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

8. The first petitioner(A1) and his wife/defacto complainant are directed to appear before the District Mediation and Conciliation Centre, Madurai District, for amicable settlement on 09.11.2020.

sd/-
09/10/2020

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/ /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 JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MEDIATION AND CONCILIATION CENTRE,
MADURAI DISTRICT.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.6927

ORDER
IN
CRL OP(MD) No.11085 of 2020
Date : 09/10/2020

vsg

<https://hcmjce.siv.org.in/CaseServices/10.10.2020/3P/7C>