



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

Date : 10/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3701 of 2021

1. R.Raja
2. Ramalingam
3. Mani

... Petitioners 1 to 3/Accused 1 to 3
-Vs-

State Rep.by
The Inspector of Police,
All Women Police Station,
Srirangam,
Trichy City District.
Crime No.26 of 2020.

... Respondent/Complainant

For Petitioners: Mr.Arun Anbumani, Advocate.
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No. 26/2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 494,406 and 506(ii) of IPC seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the defcto complainant was solemnized on 27.06.2005 and thereafter they are living together. 15 years after marriage they had no issues. Thereafter the first petitioner mooted an idea to adopt a child and it was not accepted by the defacto complainant, hence there was a quarrel between them, due to which the defacto complainant had picked up quarrel and left the matrimonial home and started living in the parental home. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the defacto complainant



often picked up quarrel with the petitioners and finally she gave a false complaint with the All Women Police Station, Ariyalur against the petitioners.

4. The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and the investigation is still pending.

5. It is seen that the marriage between the first petitioner and the defacto complainant had taken place on 27.06.2005 and they have been living together. After 15 years of marriage they had no issues. Thereafter the first petitioner mooted an idea for adopting the child which was not agreeable and quarrel arose. Hence the defacto complainant had picked up quarrel, left the matrimonial home and started living at the parental home at Trichy. The defacto complainant had lodged complaint before the Ariyalur Police station. The petitioner herein filed an anticipatory bail petition before the High Court Madras in Crl.O.P.No.13725 of 2020, where in the Court had observed that CSR No.244 of 2020 is pending on the file of the All Women Police Station, Ariyalur. The petitioner had appeared before the Inspector of Police, All Women Police Station, Ariyalur and during enquiry it was decided and agreed by both of them on 07.09.2020 not to continue their life further and the first petitioner agreed to pay a sum of Rs.26 lakhs to the defacto complainant and also asked the defacto complainant to keep the 18 sovereigns of thali chain which was presented by him during the marriage with her. Further both the petitioners and the defacto complainant filed a divorce petition seeking divorce before the appropriate Court and an agreement was made that within 15 days mutual divorce petition to be filed. Contrary to the earlier agreement the defacto complainant had lodged complaint on 05.12.2020 before the All Women Police Station, Srirangam and a case in Crime No. 26 of 2020 came to be registered against the petitioners and others. It is surprising to see that the defacto complainant after filing the First Information Report had filed HMOP No. 42 of 2021 before the Family Court, Trichy after filing the First Information Report in this case.

6. Taking into consideration the facts and circumstances of the case this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Trichy on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties (common sureties) 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

<https://hcservices.mca.gov.in/hcservices> 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 alone shall report before the respondent police from 18.03.2021 to 20.03.2021 at 10.30 a.m.,

(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/-
10/03/2021

/ TRUE COPY /

/ /2021
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, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY CITY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.B.VINOTH KUMAR, Advocate (SR-2049[I] dated 12/03/2021)
ORDER IN
CRL OP(MD) No.3701 of 2021
Date :10/03/2021

AAV

<https://hcservices.mca.gov.in/hcservices/>
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