



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

Date : 22/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD) . No.4870 of 2021

WEB COPY

1. Vellaisami,
2. Banumathi,
3. Muthu,
4. Alagu,
5. Aruna Devi,
6. Karuppi Alias Karuppayee

... Petitioners/Accused
Nos.2,3,5,6,7 & 8

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
Cr.No. 11/2021.

... Respondent/Complainant

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

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 11/2021 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 alleged offences punishable under Sections
498(A) and 506(i) IPC in Crime No.11 of 2021, seek anticipatory
bail.

2.The case of the prosecution is that the defacto complainant
married the son of the petitioners 1 and 2 and it was a love
marriage and thereby, the petitioners got angry over the defacto
complainant. Hence, they are disturbing her matrimonial life by
threatening arrangement of the second marriage to her husband.
Therefore, the present complaint came to be filed.

3.The learned counsel for the petitioners submitted that the
son of the petitioners 1 and 2 fell in love with the defacto
complainant eloped with him and married at Police Station. Hence,
the petitioners herein have abandoned his relationship and there is
no connection with him. However, the defacto complainant has lodged



this complaint with false allegations and the defacto complainant and her husband were living separately and the petitioners are not aware his whereabouts.

4. The learned Government Advocate (criminal side) submitted that totally there are eight accused in this case. The petitioners herein are in-laws of the defacto complainant.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (criminal side) for the respondent.

6. It is seen from the submissions made that the marriage between the defacto complainant and the first accused / Malaiyarasu was held on 18.09.2020 and the other accused have taken away her husband and hid somewhere and not permitting the defacto complainant to lead a matrimonial life with her husband. Due to efforts taken by Keezhavalavu Police Station, she stayed in the house of her husband. Thereafter, the sister of her husband threatened her that the second marriage will be performed and the another sister viz., Arunadevi threatened that she will not allow her to live with her brother. It is now claimed that the husband of the defacto complainant is not in India and he is working out of India.

7. Considering the nature of the allegations against the petitioners and considering the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District, 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 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 respondent police daily at 10.30 am., for a period of two weeks and thereafter, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22.04.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

ORDER
IN
CRL OP (MD) No.4870 of 2021
Date : 22/04/2021