



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

Date : 01.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD)No.12619 of 2021

1. VETRIVELRAJAN
2. MUTHULAKSHMI
3. PRABAKARAN,

... PETITIONERS/ACCUSED NO:1,2,4

VS

1. THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

2. THE INSPECTOR OF POLICE,
PALAKAD SOUTH POLICE STATION,
PALAKAD DISTRICT,
KERALA - 678 013.

(CRIME NO.1431 OF 2021)

... RESPONDENTS/COMPLAINANT

FOR PETITIONERS : MR.MOHIDEENBASHA, N.
ADVOCATE,

FOR RESPONDENT : MR.T.SENTHILKUMAR,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

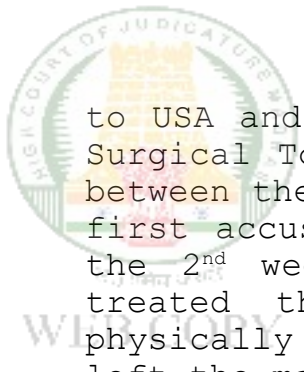
PRAYER :-

For Anticipatory Bail in Crime No.1431 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners are apprehending arrest for the alleged offence under Section 498(A) IPC in Crime No.1431 of 2021 on the file of the second respondent and therefore, sought for grant of Inter-State Anticipatory Bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the first accused was solemnized on 04.07.2019 and thereafter, they lived in Thoothukudi. At the time of marriage, 100 sovereigns of gold jewels and 3 kilograms of silver utensils were given as dowry and all the gold jewels were entrusted with the 2nd accused. In the last week of July 2019, the couple went



to USA and on 01.01.2020, the defacto complainant came to India for Surgical Tooth Removal and during that period, there was a quarrel between the defacto complainant and the 2nd accused. Thereafter, the first accused and the defacto complainant went to Australia during the 2nd week of February 2020 and in Australia, the 1st accused treated the defacto complainant in a humiliating manner and physically tortured her and on 24.07.2021, the defacto complainant left the matrimonial home and came to India. Hence, the case.

3. Learned Counsel for the petitioners submits that the petitioners are innocents and have not committed any offence as alleged by the prosecution. He prays for grant of interim anticipatory bail for a limited period, so as to enable them to approach the jurisdictional Court to get regular bail.

4. A Division Bench of this Court in the decision reported in **1992 LW (Crl) 475, [S.P.Shanthi Swaroop and Others v. State of Tamil Nadu]**, after considering several judgments delivered by various High Courts, has held that in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court was having jurisdiction, this Court can grant them Anticipatory Bail for a limited period and direct the concerned persons to move the Court, which is having regular jurisdiction over the matter in the meantime. The relevant portion in the said judgment reads as follows:

"The High Court or the Court of Session has got power under Section 438, Cr.P.C., to grant Anticipatory Bail irrespective of the local ...of the commission of the offence. In other words, in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court irrespective of the fact that they are residents of the place over Anticipatory Bail. However, we wish to observe that while granting Anticipatory Bail, this Court has to restrict the relief for a limited period and to direct that concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the Petitioners available for interrogation by the concerned Police in the meantime."

5. Considering the facts and circumstances of the case and in view of the decision referred to supra, without expressing any opinion with regard to the merits of the case, this Court is inclined to grant Inter-State Anticipatory Bail to the petitioners, enabling them to move the concerned Court of jurisdiction for Anticipatory Bail.

personal and
the satisf

7. In

CONCLUSIONS

ogy

Note : In

TO

10
1.THE JUDI

2.DO THROU

3. THE INSE

4. THE INSP

5. THE ADDI

MADURAI