



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

Date : 20.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.12317 of 2021

WEB COPY

1.Vijaya Babu

2.Shanthi

3.Chettiyappan

4.Gopinath (Vimal)

... Petitioners / A1 to A4

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
(Crime No. 10 of 2021)

... Respondent/Complainant

For Petitioners : Mr.K.Baalasundharam

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

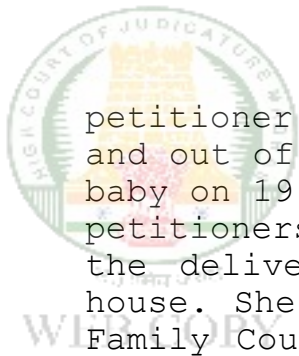
For Anticipatory Bail in Crime No.10 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 109, 506(i) IPC, in Crime No.10 of 2021, seek anticipatory bail.

2.The first petitioner and the defacto complainant are husband and wife. The petitioners 2 to 4 are the in-laws of the defacto complainant. Alleging that the petitioners are harassing her and are demanding more dowry, the defacto complainant has lodged the complaint.

<https://hcservices.courts.gov.in/hcservices/> Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. The marriage between the first



petitioner and the defacto complainant was solemnized on 09.04.2020 and out of the wedlock, the defacto complainant gave birth to a girl baby on 19.01.2021. The defacto complainant used to quarrel with the petitioners and she is residing in her parental house. Even after the delivery of the baby, she never returned to the matrimonial house. She has also filed an application for maintenance before the Family Court, Madurai, in M.C.No.92 of 2021 and has simultaneously lodged this false complaint.

4.Considering the nature of offence and the relationship of the parties, this Court, in order to find out the possibility of any settlement, by order dated 01.09.2021, has referred the parties to the District Social Welfare Officer.

5.The District Social Welfare Officer has filed a report dated 27.09.2021, that there is some misunderstanding between the husband and wife and that though the husband is willing to take the wife / defacto complainant to the matrimonial house, the defacto complainant is not willing for reunion citing certain apprehension.

6.Learned Additional Public Prosecutor, on instructions, submitted that the investigation has been completed and that the final report has been sent for opinion.

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

8.Accordingly, this criminal original petition is allowed and 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, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during the 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 all the conditions have been imposed and the petitioners have been 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 petitioners / accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
20/10/2021

/ TRUE COPY /

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

gk

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.
- 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.12317 of 2021
Date :20/10/2021

SB/JM/SAR-III/26.10.2021/3P/5C