



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.13070 of 2021

WEB COPY

1.Sarvanakumar Madhavan

2.Madhavan

... Petitioners/Accused Rank
Not Known

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Devakottai,
Sivagangai District.
(Crime No. Not Known of 2021)

... Respondent/Complainant

For Petitioners : Mr.K.S.Duraipandian, Advocate
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.Not Known 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 Section
498A IPC, in Crime No.Not Known of 2021, seek anticipatory bail.

2.The first petitioner is the husband of the defacto
complainant. The second petitioner is the father of the first
petitioner. The case of the prosecution is that the petitioners have
caused cruelty to the defacto complainant and have driven her out of
the matrimonial house. Hence, the complaint.

3.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 07.09.2021, has referred the parties to
the District Social Welfare Officer.

4.Today, it is represented that pending this application, the
sreethana articles were handed over by the first petitioner to the

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



defacto complainant, but the differences of opinion between the parties could not be sorted out. Learned Additional Public Prosecutor confirmed that the sreethana articles have been returned to the defacto complainant.

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

6. 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, Devakottai, 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 if 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.

sd/-

20/10/2021

/ 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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.13070 of 2021
Date : 20/10/2021

RK/SKN/SAR-II (26/10/2021) 3P 5C