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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 23/12/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)No.13598 of 2021

1.Devadoss
2.Arockiasamy Alias Indirani
3.Karolinmary
4.Belsirani
5.Helan Pristila
6.Subhashini

... Petitioners/Accused No.2 to 7

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Lalgudi,
Lalgudi Taluk,
Trichy District.
(Crime No.32 of 2021)

... Respondent/Complainant

For Petitioners : M/s.R.Sundhar, Advocate

For Respondent : M/s.M.Vaikkam Karunanithi
Government Advocate (Cr1. side)

For Intervener : M/s.T.Lenin Kumar, Advocate

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

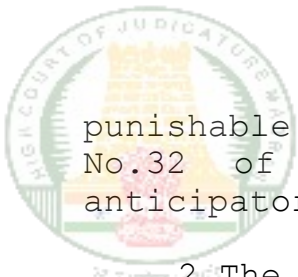
PRAYER :-

For Anticipatory Bail in Crime No.32 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

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

The petitioners, who were arrayed as A2 to A7 apprehending arrest at the hands of the respondent police for the offences



punishable under sections 294(b), 498(A) and 506(i) IPC, in Crime No.32 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The petitioners are facing charges under sections 498-A, 294(b), 506(ii) IPC. The petitioners are in laws of the de-facto complainant. A1 is the husband of the de-facto complainant. The marriage between the de-facto complainant and A1 took place some three years prior to the date of the complainant.

3.Reading of the complaint shows that that after the marriage, they were living in the upstairs, whereas the parents of A1 living in the downstairs. The upstairs portion was not having sanitary facility. The de-facto complainant requested A1 to make alternative arrangement for accommodation. Promising to make such arrangement, the de-facto complainant was taken by A1 to her parents home and left there. Later when the de-facto complainant tried to conduct A1, she could not and these petitioners alleged have abused her in filthy language and demanded more dowry and also stated that they are going to arrange for 2nd marriage for the A1. On the basis of the above said complaint, the case has been registered. Now the in laws of the de-facto complainant are before this court.

4.An attempt has been made by this court to settle the issue by referring the same to the mediation. The mediation report is also received, wherein we find that A1 namely the husband also attended the mediation. But in-spite of best efforts that has been taken by the mediator, it could not be settled. So now the matter has been heard on merits.

5.As mentioned above, reading of the complaint, does not show any indication with regard to the major issue between the husband and wife. It was a simple issue, which would have been sorted out at the earliest.

6.Even though the intervener, the de-facto complainant, reiterated the very same averment that has been made in the complaint, this court of the considered view that still time is available for A1 and the de-facto complainant to sit together and sort out the differences. Only usual allegations as usual are made.

7.As mentioned above, in the complaint, it appears that because of the absence of sanitary facilities in the residential upstairs portion of A1, the dispute has arisen. Except that, no other major issue, earlier exists between the husband and wife. These petitioners being the in laws can have no role in the above said affairs. No doubt, the parents of A1 ought to have taken steps to make alternative arrangement for the above. But they failed in their duty. For their default, they should not be punished.

8.Considering the above facts, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.



9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Lalgudi, Trichy District and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 am until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

Sd/-
23/12/2021

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/ /2022

Sub-Assistant Registrar (C.S.II)
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,
LALGUDI, TRICHY DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
LALGUDI, LALGUDI TALUK,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.13598 of 2021
Date : 23/12/2021