



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27.10.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.16108 of 2021

1.B.Sudhakar Samuel (A-1)
2.B.Banumathi (A-2)
3.B.Sudha Kirubai Jothi (A-3)
4.Masilamani (A-4) ... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.
(Crime No.3/2021) ... Respondent/Complainant

For Petitioners : Mr.V.SASIKUMAR, 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.3 of 2021 on the file of the respondent Police.

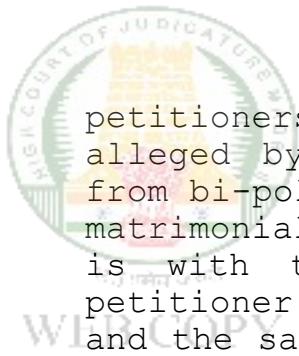
ORDER : The Court made the following order :

Alleging harassment and cruelty at the hands of the petitioners, the defacto complainant has lodged a complaint as against them, which was registered in Crime No.3 of 2021 on the file of the respondent police, for the offence punishable under Sections 294(b), 323, 498-A, 406 IPC r/w Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Apprehending arrest in the said case, the petitioners have filed this application seeking anticipatory bail.

2.Learned Counsel for the petitioners submitted that the first petitioner is the husband of the defacto complainant. The second petitioner is his mother. Third petitioner is his sister and the fourth petitioner is his sister's husband. The marriage between the first petitioner and the defacto complainant was solemnized on 17.05.2010 and out of the wedlock, they were blessed with a female child and a male child.

3.At the outset, the learned Counsel denied the allegations levelled against the petitioners. He further submitted that the

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



petitioners are innocents and have not committed any offence as alleged by the prosecution. The defacto complainant is suffering from bi-polar disorder. She created a scene and thereafter, left the matrimonial house, by taking away the female child. The male child is with the petitioners. He further submitted that the first petitioner has filed a petition for divorce in IDOP.No.81 of 2020 and the same is pending consideration before the Principal District Court, Virudhunagar District in Srivilliputhur.

4.After some arguments, the learned Counsel for the petitioners has filed an undertaking affidavit of the first petitioner that he would take care of the maintenance of his wife and the children, without prejudice to his defence in the applications filed and pending before the Court below.

5.Learned Counsel for the petitioners submitted that the first petitioner would pay a sum of Rs.15,000/- per month to the defacto complainant, as maintenance. But, considering the fact that the first petitioner is working as a Software Engineer, this Court suggested the first petitioner to pay a sum of Rs.20,000/- per month as maintenance to the defacto complainant, which was agreed by the petitioners' Counsel.

6.Heard the learned Additional Public Prosecutor appearing for the respondent Police as well.

7.Considering the fact that it is a matrimonial dispute, the nature of allegations levelled against the petitioners and the affidavit of undertaking filed by the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this criminal original petition stands 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 No.I, Sattur, Virudhunagar District, 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 first petitioner shall pay a sum of Rs.20,000/- [Rupees Twenty Thousand only], as maintenance, per month, to the defacto complainant / wife, without fail.

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



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

[e]the petitioners shall not abscond either during the investigation or trial.

[f]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]**.

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

sd/-

27/10/2021

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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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SATTUR IN VIRUDHUNAGAR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.V.SASIKUMAR, Advocate SR.No7584

**ORDER
IN**

CRL OP(MD) No.16108 of 2021
Date :27/10/2021

SA/VR/SAR.3/08.11.2021/3P/6C