



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.14171 of 2021

WEB COPY

1.Justin Pushparaj
2.Jesuraj

... Petitioners/Accused 1 & 2

Vs

State rep.by
The Inspector of Police,
Dindigul All Women Police Station,
Dindigul District.
(Crime No.24/2021)

... Respondent/Complainant

For Petitioners : Mr.K.Anbumanikandan
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.24 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 406, 354(A) and 506(i) IPC, in Crime No.24 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the second petitioner is the father-in-law of the de-facto complainant. The marriage between the first petitioner and the de-facto complainant was solemnized on 24.02.2020. Due to some misunderstanding between the husband and wife, the first petitioner filed a divorce petition in I.D.O.P.No.225 of 2021 before the Family Court, Dindigul. Hence, the de-facto complainant filed a false complaint against the petitioners before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that after marriage the de-facto complainant developed intimacy with one John and she has not willing to continue the matrimonial life with the first petitioner. He further submitted that the first petitioner filed a divorce petition in I.D.O.P.No.225 of 2021 on the ground of adultery before the Family



Court, Dindigul. Hence, he prayed for grant of anticipatory bail.

4.The learned Additional Public Prosecutor for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed.

5.Considering the fact that it is a matrimonial dispute, this Court, vide order dated 23.09.2021, referred the matter to the Social Welfare Committee of the Dindigul District to find out the possibility of any amicable settlement between the parties and file a report.

6.Today, ie.28.10.2021, when the matter is taken up for hearing, the Social Welfare Officer filed a report before this Court stating that the de-facto complainant is ready and willing to live with the first petitioner, but the first petitioner is not willing to live with her. Therefore, the dispute could not be settled.

7.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners, the de-facto complainant is ready and willing to live with the first petitioner and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mahila Court (J.M. Level) Dindigul, 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 Judge 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders; and the second petitioner 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 investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Judge/ 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 released on bail by the learned

Judge/Trial Court himself as laid down by the Hon'ble Supreme Court



in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;
(f) if the accused/ petitioners thereafter abscond, a fresh FIR
can be registered under Section 229-A IPC.

sd/-
28/10/2021

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/ /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.

TO

- 1.The Judicial Magistrate,
Mahila Court (J.M. Level),
Dindigul.
- 2.Do Through The Chief Judicial Magistrate,
Dindigul District.
- 3.The Inspector of Police,
Dindigul All Women Police Station,
Dindigul District.
- 4.The Officer Incharge,
Social Welfare Committee,
Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.14171 of 2021
Date :28/10/2021

RS/VR/SAR2 (15.11.2021) 3P 6C

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