



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).Nos.14724 & 15131 of 2021

WEB COPY

Sabari,

... Petitioner/Accused No.1 in
Crl.O.P(MD)No.14724 of 2021

1.M.Muniyasamy

2.M.Navapriya,

3.M.Rajiv Ganesh,

...Petitioners/Accused No.2 to A4 in
Crl.O.P(MD)No.15131 of 2021

Vs.

The State Rep. By
The Inpsector of Police,
Samayanallur All Women Police Station,
Madurai District.
(Cr.No.16 of 2021).

... Respondent/Complainant in
both Crl.O.Ps.

For Petitioners: Mr.Barathan,J.
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

For Intervenor : Mr.K.Navaneetha Raja, Advocate.
for Mr.Jeyaram Siddharth, Advocate.

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 16 of 2021 on the file of
the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehends arrest at the hands of
the respondent police for the alleged offences punishable under
Section 498(A) IPC and Section 4 of Dowry Prohibition Act, in Crime
No.16 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the
first accused and the de-facto complainant was solemnized on
<https://hcservices.ecourts.gov.in/liteview> R.F.Marriage Hall, Thirunagar, Madurai. Due to the
wedlock, the first accused and the de-facto complainant were blessed
with a baby girl on 05.11.2015 and they were living with the parents



of the first accused as a joint family. Thereafter, the petitioners herein had demanded the de-facto complainant to come with more dowry, harassed and attacked her. Hence the case has been registered.

3.The learned counsel for petitioner submitted that due to continuous mental cruelty and desertion inflicted by the de-facto complainant, the first accused filed a divorce petition in H.M.O.P.No.336 of 2020, on the file of the Family Court, Madurai against the de-facto complainant under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 on the ground of cruelty and desertion. The de-facto complainant filed a petition for restitution of conjugal rights in H.M.O.P.No.666 of 2020 on the file of the Family Court, Madurai against the first accused under Section 9 of the Hindu Marriage Act, 1955. Hence, the first accused contracted second marriage with one Yogalakshmi. The Second marriage of the first accused is null and void. The first accused realized his mistake and withdrew from the second marital relationship. The said second marriage was declared as null and void by the Family Court, Madurai in H.M.O.P.No.335 of 2021 by order, dated 04.05.2021. The first accused had totally cut off the second marital relationship. The first accused also withdrew his divorce petition in H.M.O.P.No.336 of 2020 on the file of the Family Court, Madurai filed by him against the de-facto complainant and the same was dismissed on 17.03.2021. The first accused himself submitted to pass a decree of restitution of conjugal rights in H.M.O.P.No.666 of 2020 filed by the de-facto complainant against the first accused and the same was decreed on 17.03.2021.

4.The learned counsel for the petitioners further submitted that the first petitioner is willing to live with his wife. Hence this Court by order, dated 28.09.2021 referred the matter to mediation and Mr.Henry Tiphangne, learned counsel was appointed as Mediator. The Mediator has reported that the matter could not be settled amicably between them.

5.At this stage, the learned counsel for the petitioners submitted that the first petitioner is willing to pay a sum of Rs.5,000/- as monthly maintenance to the de-facto complainant and the child is in his custody, the de-facto complainant can visit the child at any time. Further he has no objection for completion of her undergraduation and writing her examination and he has also filed an affidavit to that effect.

6.Considering the facts and circumstances of the case and considering the affidavit filed by the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petitions are allowed and the petitioners are ordered to be released on bail in the event of their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipati, Madurai 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 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before 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 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 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 accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC

sd/-
28/10/2021

/ TRUE COPY /

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

vsd

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,
VADIPATTI, MADURAI DISTRICT.

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

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3.THE INPSECTOR OF POLICE,
SAMAYANALLUR ALL WOMEN POLICE STATION,
MADURAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

MR.HENRY TIPHAGNE (CELL NO.99945 13250),
ADVOCATE AS MEDIATOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-7629[I] dated 29/10/2021)

ORDER IN
CRL OP(MD) No.14724 of 2021
Date :28/10/2021

SB/JM/SAR-IV/09.11.2021/4P/7C