



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

Date : 30/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18774 of 2021

WEB COPY

1. N.Kambadasan
2. K.Rajathi
3. K.Premkumar
4. K.Jegadeeshkumar

... Petitioners/Accused NO.2 to 5

Vs

State through
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
Cr.No. 51 of 2021.

... Respondent/Complainant

For Petitioners: Mr.T.K.Gopalan,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.51 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos. 2 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 506(i) IPC, in Crime No.51 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the *defacto* complainant was solemnized on 06.11.2016 and thereafter they lived in Kuwait and there she was subjected to cruelty by her husband and his family members, therefore, she came to India in March 2021. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and not committed any offence alleged by the prosecution. Hence, prays for anticipatory bail for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was matrimonial dispute between the parties and investigation is not yet completed.



5. Admittedly, the first petitioner is the father-in-law, the second petitioner is the mother-in-law and the third & fourth petitioners are the brother-in-laws of the *defacto* complainant. The learned counsel for the petitioners would submit that after solemnization of marriage on 06.11.2016, between the first accused and the *defacto* complainant, they were living at Kuwait and they were blessed with a male child, that subsequently since the brother of the *defacto* complainant had committed suicide, the *defacto* complainant came to Madurai in March 2021 and informed that she would return within short time. But subsequently, she gave a complaint before the respondent police and at her request, all the household articles were handed over to her on 27.09.2021, in the presence of the Inspector of Police of respondent police station. Subsequently, the mother of the *defacto* complainant, Indirani had given a letter to the respondent police stating that they have received all the sridhana articles, Rupees Two Lakhs and also seven sovereigns of gold chain. He would further submit that after receiving all the articles, she gave a complaint, implicating the in-laws and the respondent police without considering the fact that the petitioners had already handed over the sridhana articles, as claimed by the *defacto* complainant has registered the case. He would further submit that the third and fourth petitioners are the brothers of the first accused and they are living at Chennai.

6. Considering the above facts and circumstances of this case and the fact that the petitioners are the in-laws of the *defacto* complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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, Additional Mahila Court, Madurai, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
30/11/2021

/ TRUE COPY /

/ /2021

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

PNM

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,
ADDITIONAL MAHILA COURT, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.K.GOPALAN, Advocate (SR-8652[I] dated 30/11/2021)

ORDER
IN
CRL OP(MD) No.18774 of 2021
Date : 30/11/2021