



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19296 of 2021

1. Praveen
2. Ramanathan

... Petitioners/A1 & A2

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
In Crime No.15 of 2021

... Respondent/Complainant

For Petitioners : M/s.B.Vinoth Kumar
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
: Mr.C.Jeganathan,
Advocate appointed as Mediator

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

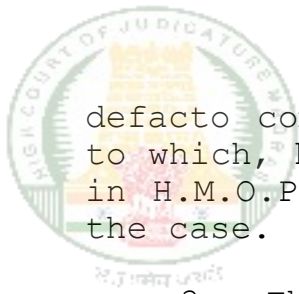
PRAYER :-

For Anticipatory Bail in Crime No. 15 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Section 498(A) and 406 IPC in Crime No.15 of 2021 on the file of the respondent Police, seek anticipatory bail.

2. The defacto complainant lodged a complaint against the petitioners alleging that on 04.04.2016, her marriage was solemnized with the first petitioner and at the time of marriage, her parents gave 100 sovereigns of gold to her and 10 sovereigns of gold to the first petitioner and sridhanam worth Rs.17 lakhs. However, after marriage, the first petitioner was not interested in sexual life with the defacto complainant and later, she came to learn that the first petitioner was an impotent and the petitioners assaulted the



defacto complainant and compelled her to consume some tablets, due to which, her health was affected. She also filed a divorce petition in H.M.O.P.No.86 of 2021 before the Family Court, Madurai. Hence, the case.

3. This is the second anticipatory bail petition. The earlier anticipatory bail petition was dismissed by this Court on 20.09.2021, considering the conduct of the petitioners in obtaining an interim order of protection by submitting that there is a possibility of settlement and thereafter, not taking any steps to resolve the issue.

4. When the matter came up for hearing on 09.12.2021, the learned counsel appearing for the petitioner submitted that the petitioners had not committed any offence as alleged by the prosecution and the defacto complainant made a demand of huge amount from the petitioners and since the same was not accepted, the defacto complainant started filing complaints against the petitioners with baseless allegations and also a divorce petition. He further submitted that the first petitioner is not an impotent and he has obtained medical expert's opinion also. He further submitted that now, the petitioners are ready to sort out the issue amicably with the defacto complainant and requested this Court to refer the matter for mediation.

5. Since this is a case of matrimonial dispute and also considering the request made by the learned counsel for the petitioners, the matter was referred for mediation and Mr.C.Jeganathan, learned counsel, was appointed as Mediator in this case.

6. Today, when the matter is taken up for consideration, Mr.C.Jeganathan, learned counsel, who was appointed as Mediator, has filed a mediation report stating that the dispute between the parties has amicably been settled.

7. Considering the fact that the dispute between the parties has amicably been settled before the mediation, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this criminal original petition is 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.II, 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 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioners 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 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 are 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/-

21/12/2021

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/ /2022

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.II
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
TALLAKULAM ALL WOMEN POLICE STATION, MADURAI CITY.

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

ORDER IN

CRL OP(MD) No.19296 of 2021

Date :21/12/2021

OGY

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