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CRL OP(MD)



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

Date : 16/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.180 of 2022

Jesus, ... Petitioner/Accused No.1
Vs

1. State Rep.by
The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy District.
Cr.No.21 of 2020. ...Respondent/Complainant

2. Sofia, ...2nd Respondent

(R2 suo-motu impleaded as per order of
this Court, Dated 12.01.2022, in Crl.OP.
(MD).No.180 of 2022)

For Petitioner : MR.S.Mohammad Kasim, Advocate.
For 1st Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)
For 1st Respondent : Mr.T.Selvan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 21 of 2020 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands
of the respondent police for the alleged offences punishable under
Sections 294(B), 323, 406, 448, 498(A) and 506(I) of I.P.C, and r/w
Section 4 of Dowry Prohibition Act, 1961, in Crime No.21 of 2020 on
the file of the respondent police, seeks anticipatory bail.

2. Since it is a matrimonial dispute between the husband and
wife, this Court has referred the matter to mediation on 11.07.2022.

<https://www.mhc.tn.gov.in/judis>



3.The learned counsel on either sides would submit that during the course of mediation, the matter was compromised between the parties on the basis of the following terms of agreement.

"1) The petitioner has agreed to look after the 6 years old child Jeniliya Jesilen properly.

2)Both parties have agreed to live together for three months. According to the conduct of the petitioner. The defacto complainant shall withdraw the case in Cr.No.21 of 2021 on the file of the AWPS, Trichy District and D.V.C.No.9 of 2021 on the file of the learned Chief Judicial Magistrate, Trichy.

3.Since there is no consensus with respect to the Sridhana Items and Certificate left over, both parties have agreed to approach respondent No.1 Police Station and there will be retrivel of the property if it available in mother-in-law house."

4.In view of the compromise reached between the parties on the basis of the above said terms of agreement , this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Additional Mahila Magistrate Court, Tiruchirappalli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

7.The learned counsel for the second respondent would submit that if there is any violation of terms of agreement noticed, then FIR can be revived.

sd/-
16/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



DSS

CRL OP(MD)



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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 ADDITIONAL MAHILA MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVERUMBUR ,
TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MOHAMMAD KASIM, Advocate(SR-8568[I] dated 16/08/2022)

ORDER

IN

CRL OP(MD) No.180 of 2022

Date :16/08/2022

PKP/SVR/SAR-4/29.08.2022/3P/5C