



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2022

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.1779 of 2022

1. Ibrahim
2. Maideen
3. Mumtaj
4. Kamaludin

... Petitioners/Accused Nos.1 to 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District
(Crime No.8/2019) .

... Respondent/Complainant

For Petitioners : M/s.M.Pitchai Muthu, Advocate

For Respondent : M/s.M.Sakthi Kumar,
Government Advocate (Crl.Side).

For Intervenor : M/s.A.Azhagesan, Advocate

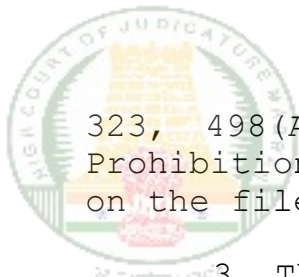
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent and the learned counsel appearing for the intervenor.



323, 498(A) and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.8 of 2019 on the file of the respondent police, seek anticipatory bail.

3. This is a matrimonial complaint. When the petitioners moved this Court for anticipatory bail, the same was granted after recording their undertaking that a sum of Rs.5,000/- will be paid to the defacto complainant every month. Even though the said order was passed on 20.11.2019, till date it has not been complied with. However the second petition has been filed on the same set of facts.

4. The learned counsel appearing for the defacto complainant submitted that the petitioners by their conduct will not be entitled to any relief at the hands of this Court.

5. I carefully considered the rival contentions.

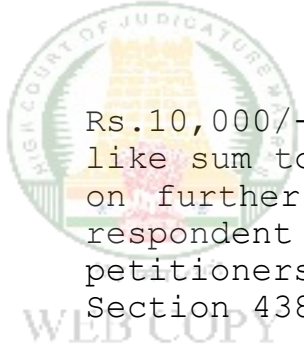
6. It is seen that the defacto complainant and her son filed M.C.No.3 of 2020 before the Judicial Magistrate, Manapparai. The learned trial Magistrate vide Order dated 30.09.2021 granted relief only for the son Minor Ajith, but denied the relief for the defacto complainant Sharmila. The first petitioner herein had been ordered to pay a sum of Rs.20,000/- towards maintenance of the child. It is stated by the learned Government Advocate (Crl. Side) that this order has not been complied with by the petitioner.

7. It is also not in dispute that the order passed by this Court earlier has also not been complied with. The learned counsel appearing for the petitioners therefore submitted that the first petitioner will comply with the order passed on 30.09.2021 in M.C.No.3 of 2020 on the file of the Judicial Magistrate, Manapparai, subject to the outcome of the revision filed by him. In other words, till final orders passed in the revision, the first petitioner would continue to pay a sum of Rs.20,000/- per month. That apart, he also undertakes to pay a sum of Rs.50,000/- to Sharmila representing the liability arising out of the earlier order passed by this Court.

8. The first petitioner undertakes to pay a sum of Rs.50,000/- to the defacto complainant within a period of four weeks from the date of receipt of a copy of this order. The arrears of the maintenance order will be cleared in the meanwhile.

9. It is made clear that the payment of a sum of Rs.50,000/- by the first petitioner to the defacto complainant will not in any way weaken his stand in the pending revision.

10. Recording the said undertaking given by the first petitioner, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Manapparai, Trichy District and on their executing 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 on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

11. The petitioners 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 shall stand dismissed.

Sd/-
10/02/2022

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

PMU

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,
MANAPPARAI, TRICHY DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.1779 of 2022
Date :10/02/2022