



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1446 of 2022

1. G.J.Swathy
2. G.R.Janardanan
3. M.S.Maheswari ... Petitioners/Accused 1 to 3

Vs

State rep.by
The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
(Crime No.13 of 2022). ... Respondent/Complainant

For Petitioners: M/s.M.Ponniah, Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

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

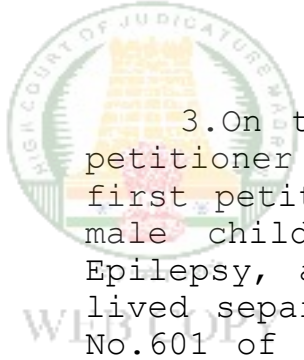
PRAYER :-

For Anticipatory Bail in Crime No.13 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 323, 506(ii), in Crime No.13 of 2022, seek anticipatory bail.

2.The case against the petitioners is that on 08.01.2022 at about 02.00PM, the petitioners trespassed into the house of the *defacto* complainant and attacked him and his daughter. The case in Crime No.13 of 2022 was registered against the petitioners under Sections 448, 323, 506(ii) IPC. The petitioners filed this petition for anticipatory bail.



3. On the side of the petitioners it is stated that the first petitioner is the daughter of the second and third petitioners. The first petitioner married one Ayyappan on 30.06.2017 and they got a male child, aged about 3 ½ years old, who is suffering from Epilepsy, a disorder in nerve system. Due to misunderstanding they lived separately. The said Ayyappan filed divorce petition in HMOP No.601 of 2019, first petitioner filed petition for restitution of conjugal rights in HMOP No.575 of 2020 & maintenance petition in MC No.137 of 2019, before the Family Court, Madurai. As a outcome of the counselling, both the parties agreed to live together and said Ayyappan rented the house, which is belongs to the *defacto* complainant, who is the maternal uncle of Ayyappan. Due to misunderstanding, the first petitioner and her son lived in the said house. Ayyappan and his parents tried to evict the first petitioner illegally and in this regard the first petitioner lodged a complaint and a suit against her husband. The *defacto* complainant also sent a lawyer notice to the first petitioner to vacate the premises. In the meantime, the first petitioner went to Chennai for her employment and using her absence, her husband broke open the door of the house and brought the dead body of the *defacto* complainant's mother and the first petitioner lodged an online complaint. No FIR has been registered against the *defacto* complainant. The first petitioner kept all her belongings inside the house and she was not able to access the same. When the first petitioner went to the house to take her belongings and the medical records of her son, the *defacto* complainant and others physically abused her and she was secured by calling help line No.100. Only as a counter blast, this false case has been registered against the petitioners. The petitioners 2 & 3 were not at all present in the scene of occurrence. Hence, prays them to be released on anticipatory bail.

4. On the side of prosecution it is stated that totally three accused involved in the occurrence and there is a matrimonial dispute between the parties. A counter case in Cr.No.14 of 2022 is also registered against the *defacto* complainant.

5. It is seen that there is matrimonial dispute between the first petitioner and her husband, the petitioners 2 & 3 and the *defacto* complainant are relatives and the motive behind the occurrence is only a family dispute. It is also seen that a counter case is pending against the *defacto* complainant. The petitioners 1 & 3 are female members and the first petitioner is having a son, who is having nerve problem. In view of the illness of the minor child, the presence of his mother, ie., the first petitioner is necessary.

6. In the view of the above facts and circumstances of this case, 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, before the learned Judicial Magistrate, No.I, Madurai and on their executing a bond for



a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the Family Court, Madurai at 10.30 am, on the first working day of every week, for a period of two months and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

Sd/-
27/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
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 NO.I,
MADURAI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 3. THE JUDGE, FAMILY COURT,
MADURAI.
 4. THE INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION,
MADURAI CITY.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to RAJASEKARAN.G. Advocate SR.No.439

ORDER
IN
CRL OP(MD) No.1446 of 2022
Date :27/01/2022