



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

Date : 03/02/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.2247 of 2022

Hendri Louise

... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
Aranthangai All Women Police Station,
Pudukkottai District.
(Crime No.2 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Deenadhayalan.S.,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 2 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 12.01.2022 for the alleged offence under Sections 294(b), 323, 342, 406, 506(i) IPC r/w 9(n) r/w 10 of POCSO (Amendment) Act, 2019, in Crime No.2 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner and they have 3 children. The petitioner alleged to have misbehaved with her elder daughter during the year 2019 to 2021 and the victim girl disclosed the same to the defacto complainant only on 16.04.2021. When the same was questioned by the defacto complainant, the trouble arose between them and they are living separately. Hence, this complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has filed HMOP petition before the concerned Court seeking divorce in the year 2020 and counter has also been filed by the defacto complainant in the year 2021 and it is pending. Further, compromise has been reached between them on 08.07.2021 and he is in



judicial custody from 12.01.2022. Hence, he prays to grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that there is a matrimonial dispute between the husband and wife due to the misbehaviour of the petitioner with her own daughter.

5.After hearing the learned counsel for the petitioner and going through the papers, it is seen that there is some sort of matrimonial dispute between the husband and wife. In respect of matrimonial dispute, there was a compromise between them on 08.07.2021. Later, the present complaint said to have given on 11.01.2022, as if, the petitioner alleged to have misbehaved with his daughter around the year 2020.

6.According to the learned counsel for the petitioner, this being real one, they already have entered into compromise on 08.07.2021. The petitioner is not in a position to inform the Court what happened after the above compromise. Simply says that the defacto complainant went to the office of the petitioner and misbehaved by demanding money.

7.Whatever it may be, the trouble arose between the husband and wife. It appears that the girl has been involved by the parties. The husband and wife might have kept the children away from the matrimonial issue. They did not consider the future of the child. Without considering that, such sort of complaint has been lodged by the defacto complainant.

8.Considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

9.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Sessions Judge, Mahila Court, Pudukkottai, and on further condition that the petitioner **must stay away from the place of residence of the defacto complainant and the victim girl** and shall report before the respondent police daily at 10.30 a.m. until further orders and **the petitioner must take all the possible steps to settle the matrimonial issue between him and his wife.**

sd/-
03/02/2022

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE,
ARANTHANGAI ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2247 of 2022

Date :03/02/2022

dss

MS/PN/SAR-3/04.02.2022/3P.5C