



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

Date : 18/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.3545 of 2022

Kaliyappan, ... Petitioner/Accused No.1

Vs

1. State Rep.by
The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No.7/2022). ...Respondent/Complainant

2. Kalphana, ...2nd Respondent
(R2 Suo Motu Impleaded as Per Order
Dated 21.02.2022 IN CRL OP(MD)NO. 3545
of 2022 by KMJ)

For Petitioner : Mr.B.Jeyakumar,Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

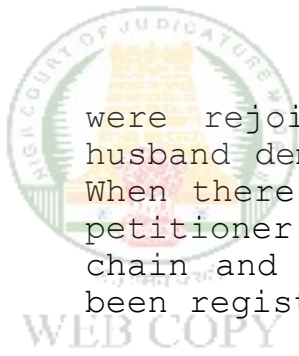
PRAYER :-

For Anticipatory Bail in Crime No.7/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
406, 294(b), 323, 506(ii) and 498(A) of IPC and Section 4 of TNPHW
Act and 4 of DP Act, in Crime No.7 of 2022 on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant
wife was married to the accused on 28.10.2018 and at that time, she
was provided with 30 sovereigns of jewellery. She was tortured by
the petitioner from the date of marriage and a female child was born
on 03.05.2019 and at that time she was in parental home. Thereafter,
she went to matrimonial home on the basis of advise given by her
mother. Again, the petitioner started to torture the de facto
complainant for getting the property, which is standing in her
name. So, she returned to parental home and again they



were rejoined in the year 2020. Again torture was made by her husband demanding the said property, she returned to parental home. When there was a talk with regard to the dispute on 23.05.2021, the petitioner and her family members snatched the petitioner's Thali chain and chased away. On the basis of the complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is willing to rejoin with his wife. But, the wife insisted him to get transfer to Theni and hence, the issue could not be settled before the Mediation. He would further submit that the petitioner has filed before the trial Court in HMOP.No.338 of 2022 for restitution Conjugal Rights.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a matrimonial dispute between the parties and that the investigation of the case is pending.

5. Considering the fact that the petitioner has filed a petition for restitution of conjugal rights and he is willing to rejoin, the custodial interrogation of the petitioner is not necessary. But, however, the defacto complainant is having a child, this Court is inclined to grant anticipatory bail to the petitioner with conditional order.

6. 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 Judicial Magistrate, Theni, Theni 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 pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as monthly maintenance to the wife and children for every month on or before 5th day of every English Calender month and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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.

sd/-
18/08/2022

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THENI, THENI DISTRICT.

WEB COPY

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSEPCTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI, THENI DISTRICT.

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

+1 CC to M/s.JEYAKUMAR. B, Advocate (SR-8750[I] dated 22/08/2022)

ORDER

IN

CRL OP(MD) No.3545 of 2022

Date :18/08/2022

TRP

PKP/SVR/SAR-4/30.08.2022/3P/6C