



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

Date : 18/07/2022

PRESENT

The Hon`ble Mr.Justice **G.ILANGOVAN**
CRL OP(MD) . No.7044 of 2022

WEB COPY

1. Satheesh Kumar

2. Selvaraj

3. Tamil Selvi

... Petitioners/Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
(Cr.No.16/2022).

... Respondent/Complainant

For Petitioners: M/s.Jerin Mathew.M., Advocate

For Intervener : Mr.S.Palaniyappan, Advocate

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

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

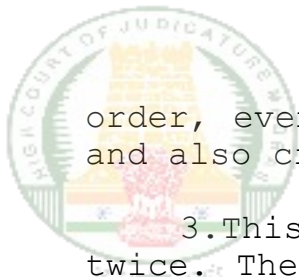
PRAYER :-

For Anticipatory Bail in Crime No. 16 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(i), 498(A) I.P.C., in Crime No.16 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 21.04.2016, she gave birth to a child. At the time of marriage, she was provided with sufficient household articles and sridhana. Within six months, the accused persons demanded 16 sovereigns of gold jewels. The same was refused by her, for which, she was driven out of her matrimonial home and filed HMOP for restitution of conjugal rights before Family Court, Sivagangai, that was allowed in the year 2019. She informed the first accused about the Court



order, even at that time they demanded 15 sovereigns of gold and also criminally intimidated. Hence, the complaint.

3. This Court has already referred the matter for mediation twice. The first petitioner and his counsel attended the mediation twice, whereas, the defacto complainant has attended the mediation once. The allegation of the defacto complainant against the first petitioner is that he is not able to bear a child, due to his deficiency and the second allegation is that the first petitioner is an alcoholic. For the above said allegations, the first petitioner is ready to undergo medical treatment. The learned counsel for the defacto complainant has submitted that she was threatened by the petitioners at the time of mediation and there is no possibility for reunion, though there was a Court decree, there was harassment right from the day of marriage,

4. Considering the facts and circumstances of the case, there are some allegations against the conduct of the first petitioner, which creates trouble between the parties. Apart from the above allegations, there is no other allegations about the harassment. Hence, this Court is inclined to grant anticipatory bail to the petitioners. In order to settle the issues, the first petitioner must undergo medical treatment and the Investigation Officer also enquire the same during the course of investigation.

5. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioners shall execute 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 respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. 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 stands dismissed.

sd/-

18/07/2022

/ TRUE COPY /

/07/2022

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



TO

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

+1. CC to M/S. S.PALANIAPPAN, Advocate SR.No.7357

ORDER

IN

CRL OP(MD) No.7044 of 2022

Date :18/07/2022

RK/JM/SAR-I/25.07.2022/3P/6C