



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9127 of 2022

1. M. Muthuraj,

2. M.Lingammal,

3. M.Chandrika,

4. K.Mani,

... Petitioners/Accused Nos.1 to 4

Vs

The State rep. by
The Inspector of Police,
All Women Police Station, Thoothukudi,
Thoothukudi District.
(Crime No. 11 of 2022).

... Respondent/Complainant

For Petitioners : M/s.C.Suresh Kannan, 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.11 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A and 506(ii) of IPC in Crime No.11 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place on 28.08.2020 in Thiruvananthapuram. The other accused persons are the in-laws of the defacto



complainant. The first petitioner is employed in the battalion police. The first petitioner used to go home in a drunken mood and assaulted her by demanding dowry. Due to misunderstanding, the defacto complainant and the first petitioner were separated within one year. Thereafter, the first petitioner left with no other option constrained to file H.M.O.P.No.308 of 2021 before the Family Court, Thoothukudi seeking for the relief of divorce. As a counter blast to the proceedings initiated by the first petitioner, the present FIR has been registered.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending. He further submitted that as per the FIR, within one year, there was a dispute between them and that the first petitioner has filed a divorce petition before the Family Court, Thoothukudi.

5. Considering the occupation of A1 that he is employed as police and that he has received a decent salary, this Court suggested that if the first petitioner undertakes to pay a sum of Rs.7,000/- as interim maintenance to the defacto complainant until the matter is resolved between them through appropriate forum, this Court will be inclined to grant anticipatory bail. The petitioner's counsel states that the first petitioner undertakes to pay a sum of Rs.7,000/- as interim maintenance to the wife and this will be without prejudice to his right.

6.Considering the facts and circumstances of the case and in view of the undertaking given by the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

7.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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the first petitioner is directed to pay a sum of Rs.7,000/- as interim maintenance in the account of the defacto complainant,



until the matter is resolved between them through appropriate forum, on or before 10th day of every English calendar month.

[c] the first petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders. The petitioners 2 to 4 shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

8. Since this matter relates to matrimonial dispute, this Court directs the petitioners, defacto complainant and their family members to appear before the Mediation Centre at Thoothukudi. The Mediator shall conduct the Mediation between the parties for atleast five sittings and to resolve the dispute between the parties. If the petitioners/accused persons fail to co-operate for mediation, the order now passed by this Court will stand vacated automatically.

sd/-
18/05/2022

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

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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.IV
THOOTHUKUDI.



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

Copy to

THE OFFICER INCHARGE,
MEDIATION AND CONCILIATION CENTRE,
THOOTHUKUDI.

+1 CC to M/s.C.SURESH KANNAN, Advocate(SR-4752[I] dated 19/05/2022)

ORDER
IN
CRL OP(MD) No.9127 of 2022
Date :18/05/2022

PKP/VR/SAR-4/23.05.2022/4P/7C