



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.9437 of 2022

1. A.Yogaguru	... 1 st Petitioner / 1 st Accused
2. D.Arulselvi	... 2 nd Petitioner/ 2 nd Accused

Vs

State represented by
The Inspector of Police,
All women Police Station,
Thiruverambur,
Trichy District.
in Crime No.Not Known of 2022

... Respondent/Complainant

For Petitioners : Mr.T A.Punithan,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.Not Known 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 294(b), 341, 427 & 506(i) of IPC and Section 4 of TNPWH Act, in Crime No.not known of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is none other than the wife of the first accused and the second petitioner is the mother of the first petitioner and that the marriage was solemnized between the first petitioner and the defacto complainant on 22.05.2021. Thereafter, they were blessed with one male child. Due to misunderstanding, the defacto complainant and the first petitioner were separated for more than 7 years. Thereafter, the defacto complainant has lodged a complaint before the police for return of her jewelries which are in



possession of the petitioners. Since her jewelry was not returned, the present case 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. He further submitted that the defacto complainant has filed a petition in H.M.O.P.No.86 of 2017 for restitution of conjugal rights before the Family Court, Tiruchirappalli and Maintenance Case in M.C.NO.22 of 2017 before the Family court, Trichy.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending.

5. As per the FIR, they have one child. But there is no proof that the first petitioner has paid the maintenance amount to the wife and the child, though the case is pending.

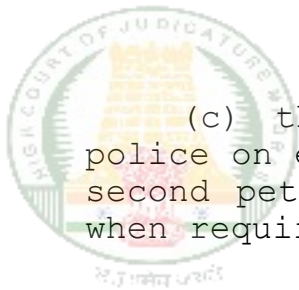
6. This Court suggested that if the first petitioner undertakes to pay a sum of Rs.10,000/- as interim maintenance until the maintenance petition filed by wife is disposed of by the trial court, this Court will be inclined to grant anticipatory bail. The petitioner's counsel undertakes to pay a sum of Rs.10,000/- as interim maintenance to the wife and child. This will be without prejudice to the his right in the maintenance petition.

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

8.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 Additional Mahila Court, Trichy, 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.10,000/- as interim maintenance in the account of the defacto complainant, until the maintenance petition filed by the wife is disposed of by the trial court, on or before 10th day of every English calendar month.



[c] the first petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., until further order and the second petitioner 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]**.

sd/-
18/05/2022

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/ /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.

TO

1 THE JUDGE,
ADDITIONAL MAHILA COURT,
TRICHY.

2 THE INSPECTOR OF POLICE
THIRUVERAMBUR, TRICHY DISTRICT

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

+1 CC to MR.T.A.PUNITHAN, Advocate (SR-4781[I] dated 19/05/2022)
ORDER
IN
CRL OP(MD) No.9437 of 2022
Date :18/05/2022

RMI

MK/VR/SAR.IV/23.05.2022/3P/5C

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