



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/08/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9833 of 2022

1. J.Dinesh
2. Jayam
3. Usha
4. Prasanth
5. Rasu ... Petitioners/Accused Nos.1 to 5

Vs

The State rep.by
The Inspector of Police,
Thallakulam All Women Police Station,
Madurai City.
(Crime No.23 of 2022).

... Respondent/Complainant

For Petitioners : M/s.SIVAPRAKASH.S,
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.23 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 offences punishable under Sections 498(A), 406, 294(b), 341, 506(1) of IPC and 4 of TNPHW Act, in Crime No.23 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The defacto complainant married one Ramar in the year 2019, due to difference of opinion, both of them separated. Thereafter, in the year 2020, the defacto complainant married the first accused on 24.06.2020, at the time of marriage, the defacto complainant's father gave 31 sovereigns of gold jewels and household articles. After some time, she became pregnant and the same was suspected by the accused persons and they also demanded a sum of RS.4,00,000/-



as dowry and the defacto complainant's father gave Rs.2, .. After three months from the date of marriage only, the defacto complainant had known that the first accused is suffering from fits and the same was not informed at the time of marriage. In the mean time, the defacto complainant delivered Female Child and the child was not properly taken care by the accused persons, inspite of repeated request, the first accused did not come to take her to the matrimonial home. On 04.11.2021, the petitioners abused the defacto complainant and her father in flighty language and also attacked him. Hence, the present complaint has been registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners have not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant herself has filed H.M.O.P.No.40 of 2022 before the Family Court, Madurai, seeking divorce and also filed Maintenance Case in M.C.No.11 of 2022 before the Family Court, Madurai and the first petitioner filed a restitution of conjugal rights petition in H.M.O.P.No.446 of 2022 before the Family Court, Madurai and the same was pending.

4.The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent would submit that the investigation is going on.

5.Considering the facts and circumstances of the case and also the fact that matrimonial proceedings has been initiated between the parties, this Court is inclined to grant bail to the petitioners, however, with stringent conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Additional Mahila Court (Magistrat Level), Madurai, and on their executing 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 on every Saturday at 10.30 am until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

01/08/2022

/ TRUE COPY /

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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 ADDITIONAL MAHILA JUDGE (MAGISTRATE LEVEL),
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THALLAKULAM ALL WOMEN POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9833 of 2022

Date :01/08/2022

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SA/VR/SAR.2/25.08.2022/3P/5C