



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 13/09/2022
Pronounced on : 19/09/2022
PRESENT

WEB COPY

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). Nos.12262, 12586, 11915 of 2022

1. Sukumaran
2. Chithra
3. Sarankumar

... Petitioners/Accused Nos.2,3&4
in Crl.OP(MD)No.12262 of 2022

Vidya

... Petitioner/Accused No.1
in Crl.OP(MD)No.12586 of 2022

Murali

... Petitioner/Sole Accused
in Crl.OP(MD)No.11915 of 2022

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No. 16 of 2022).

... Respondents/Complainant
in Crl.OP(MD)Nos.12262, 12586 of 2022

1.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No. 16 of 2022).

... Respondents/Complainant
in Crl.OP(MD)No.11915 of 2022

2.Vijay

... 2nd Respondent
in Crl.OP(MD)No.11915 of 2022

(Crime No. Amended and R2 Suo motu
impleadedas per order of this
Hon'ble High Court in Crl.MP(MD).
No.7933/2022 in Crl.OP(MD).
11915/2022 dated 12/07/2022 by GIJ).



For Petitioners:

Mr.Jeyakarthik.M.S., Advocate (Crl.OP(MD)No.12262 of 2022)

Mr.K.Mathan, Advocate (Crl.OP(MD)Nos.12586&11915 of 2022)

For Respondents :

Mr.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

(Crl.OP(MD)Nos.12262 & 12586 of 2022
(For R1 in 11915 of 2022)

Mr.R.Murali (R2 in Crl.OP(MD)No.11915 of 2022)

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

COMMON PRAYER :- For Anticipatory Bail in Crime No. 16 of 2022 on the file of the respondent Police.

COMMON 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 417, 494, 506(i) 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 accused 2 to 4 suppressed the first marriage of first accused and married her to the defacto complainant and they are having one male child, who was affected with autism. Thereafter, the first accused was having an illegal affair with the fifth accused and they are also having one male child. Hence, the complaint.

3.On the side of the petitioners, it is stated that the defacto complainant married the first accused after knowing about her first marriage. The A2, A3 are the parents and the A4 is the brother of first accused. The first accused got married to one Murali and they got divorced. After that, the first accused married the defacto complainant and they are having one male child, who is suffering from Autism. Due to misunderstanding, they lived separately from the year 2019. The mother of A1 executed a settlement deed in favour of the first accused, and now the defacto complainant trying to grab the said property and a false case has been foisted against the petitioners.

4.On the side of second respondent in Crl.OP(MD)No.11915 of 2022, it is stated that the first accused without taking care of the child with autism has left the house and she is also having one previous case at her credit. Hence, prays to dismiss the petition.



5. On the side of respondent, it is stated that there are totally five accused. A1 is the wife of the defacto complainant. A2, A3 are her parents and A4 is her brother and A5 is the person, who is alleged to have married the first accused. The allegation is that without getting divorce from the defacto complainant, the first accused married A5. Based on the above allegation, this case has been foisted against the petitioners.

6. This matter is a matrimonial dispute between the defacto complainant and his wife/A1. Considering the nature of offence and the facts and circumstances of the case and considering the fact that A1 is having two children and considering that one of the children is affected by Autism, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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 on further conditions that:

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

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) 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]; and;



(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/09/2022

WEB COPY

/ TRUE COPY /

/09/2022

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

TO

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

ORDER

IN

CRL OP (MD) . Nos.12262,
12586, 11915 of 2022
Date :19/09/2022

PNM
SA/SVR/SAR.1/21.09.2022/4P/5C