



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12542 of 2022

WEB COPY

1. Ghouse Basha
2. Kairunisha
3. Fathila Banu

... Petitioners/Accused No.1,3&4

Vs

1. The State Rep. By,
The Inspector of Police,
B5-South Gate Police Station (Law and Order),
Madurai City.
(Crime No. 202 of 2022).

... Respondent/Complainant

2. Parveen

... 2nd Respondent

(R2 suo-motu impleaded as per the order of this Court, dated 12.07.2022, in Crl.OP(MD)No.12542 of 2022 by GIJ)

For Petitioner : M/s. Sridharan M, Advocate.

For R1 : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

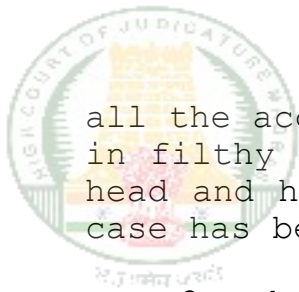
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 202 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1,3&4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(i) I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.202 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that she was married to the first accused on 18.10.2020 in the presence of the elders. Thereafter, they living together for a period of two months. Later, they separated because of difference of opinion. On 21.06.2022, the first accused sent a legal notice seeking divorce. On 05.07.2022, at about 08.15 a.m, the defacto complainant along with her family members went to the house of the first accused and tried to settle the issue. At that time,



all the accused persons joined together and said to have abused in filthy language and also attacked them with wooden logs on their head and hands and criminally intimidated them. Over which, present case has been registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that on earlier occasion, the petition filed by the petitioners seeking anticipatory bail was partly allowed by this Court, insofar as the respondents 2 & 3. Insofar as the first petitioner is concerned, the matter was kept pending. Finding that it is a dispute between the husband and wife, it was referred to mediation. The petitioner and the defacto complainant were directed to appear before the mediation Centre on 02.08.2022 and the matter was ordered to be listed today after receiving mediation report. He further submitted that even though notice was sent to the second respondent, who is the defacto complainant to appear before the Mediation Centre, she stated that she will appear only on receipt of notice of the Mediation Centre.

4. The effort made by this Court could not succeed because of the non-cooperation of the defacto complainant.

5. Considering the above and also considering the fact that it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police once in 15 days on Sunday at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner 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/-

17/08/2022

/ TRUE COPY /

/08/2022

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 JUDICIAL MAGISTRATE NO.IV,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
B-5 SOUTH GATE POLICE STATION (LAW AND ORDER),
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SRIDHARAN, Advocate (SR-8666[I] dated 18/08/2022)

ORDER

IN

CRL OP(MD) No.12542 of 2022

Date :17/08/2022

dss

USK/VR/SAR-II/26.08.2022/3P/6C