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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.12899 of 2022

1. Ashok Kumar
2. Mariasavari
3. Fathima Meri
4. Paul John Peter
5. Rooban Vinoth Kumar
6. Williamsmith

... Petitioners/Accused
1 to 6

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Bodinayakanur,
Theni District.
(Crime No.18 of 2022).

... Respondent/Complainant

- (*) 2. Mersilin Grija

... 2nd Respondent/Defacto
Complainant

- (*) (R2 is Suo-Motu impleaded as per order
dated 18.07.2022 by this Hon'ble Court
in Crl.O.P.(MD)No.12899/2022 by GIJ)

For Petitioners : M/s.Asaithambi S, Advocate.

For Respondent 1 : M/s.M.Aasha,
Government Advocate (Crl.Side)

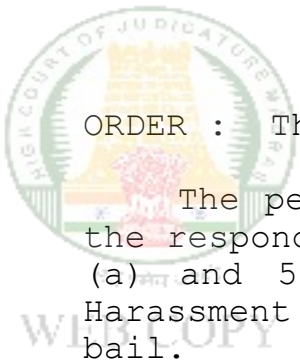
For Respondent 2 : No Appearance

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

PRAYER :-

<https://www.mhc.tn.gov.in/judis>

For Anticipatory Bail in Crime No.18 of 2022 on the file of the
Respondent Police.



ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (a) and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.18 of 2022, seek anticipatory bail.

2.The first petitioner and the defacto complainant are husband and wife. The petitioners 2 and 3 are the parents and the petitioners 4 to 6 are the brothers of the first petitioner. The marriage between the first petitioner and the defacto complainant was solemnized on 04.09.2020. Due to wedlock, they have blessed with a female child on 15.11.2021 and subsequently, A1 suspected her fertility and not accepted her child. On 01.02.2022, when the de-facto complainant went to her matrimonial home, all the petitioners abused the de-facto complainant in filthy language and not allowed in their house. Further, A1 is having illegal intimacy with another woman. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the first petitioner was suspected the de-facto complainant's character and not accepted her child and also abused the de-facto complainant in filthy language and driven out her from the matrimonial home. Further, A1 is having illegal intimacy with another woman. The investigation is still pending. Hence, she strongly opposed to grant anticipatory bail.

5.At this juncture, the learned counsel appearing for the petitioners seek permission of this Court to not press this petition as against the first petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as against the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners 2 to 6 are in-laws of the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6 with certain conditions.

7.Accordingly, the petitioners 2 to 6 are ordered to be released on bail in the event of their 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 Court, Bodinayakkanur, Theni District, on condition that the petitioners 2 to 6 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 2 to 6 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2 to 6 shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners 2 to 6 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 6 shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 to 6 in accordance with law as if the conditions have been imposed and the petitioners 2 to 6 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

10/10/2022

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/10/2022

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

SJI

TO

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

ORDER

IN

CRL OP(MD) No.12899 of 2022

Date :10/10/2022