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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14979 of 2021
and
Crl.M.P.(MD) No.8354 of 2021

1. Pandi Selvam
2. Pandi
3. Rani
4. Sekar

... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by
The Inspector of Police,
All Women Police Station-Samayanallur,
Madurai District.
(In Crime No.15 of 2021).

... Respondent/Complainant

For Petitioners : Mr.P.Manoharan, Advocate.
For Rspondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)
For Intervenor : Mr.S.Kanagarajan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 498(A), 406, 417, 294(b) and 506(i) IPC in Crime No.15 of 2021 on the file of the respondent police.

2.The defacto complainant lodged a complaint stating that the marriage between her and the 1st petitioner was performed on 09.09.2015. She already got divorce from the 1st husband. After the marriage, she lived with the 1st accused for some time and the 1st accused was working in the Central Government Railway Department. Since he was in Chennai, he used to come to the house once in a week or once in a month.

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



3. On 07.03.2020, she was committed to undergo family planning operation and on 15.04.2020, an anonymous call came to her stating that the 1st accused is insulting and abusing her and on enquiry, the 1st accused behaved indifferent. Later, she came to know that the 1st accused is indulging in illegal activity, since he has obtained money from various persons, promising to secure jobs and when that was intimated to the in laws, she was scolded and was also criminally intimidated by them. Another marriage was also going to be arranged for the 1st accused. So, on the basis of the aforesaid complainant, the case has been registered.

4. The learned counsel for the petitioners would submit that he is not pressing this petition insofar as the 1st petitioner/A1 is concerned and insofar as the other petitioners, namely the petitioners 2 to 4 are concerned, he would submit that the petition may be considered.

5. The learned counsel for the intervenor would submit that the gold jewels are in the custody of these petitioners. But nothing has been stated like that in the FIR, it appears that there are no major disputes between the 1st petitioner and the defacto complainant.

6. Even though the learned counsel for the petitioners would submit that there was no actual marriage between the 1st petitioner and the defacto complainant, since he is not pressing this petition against the 1st petitioner, no further discussion is required. Considering the limited allegation that has been made against the petitioners 2 to 4, reading of the report of the Social Welfare Department Officer shows that during the course of enquiry, it appears that there was some sort of negotiation between the 1st petitioner and the defacto complainant, but what had happened after that is not on record.

7. In view of the aforesaid development, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 alone.

8. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Vadipatti, madurai District, on condition that the petitioners 2 to 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners 2 to 4 shall appear before the respondent police daily at 10.30 am., until further orders. The petitioners 2 to 4 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners 2 to 4 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order is made ready, failing which, the petition for anticipatory



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bail shall stand dismissed. Insofar as the 1st petit. is concerned, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

sd/-

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

+1 CC to M/s.P.MANOKARAN, Advocate (SR-8622[I] dated 17/08/2022)

ORDER

IN

CRL OP(MD) No.14979 of 2021

Date :16/08/2022

MM

RS/SVR/SAR.2 (30.08.2022) 3P-6C