



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

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PRESENT

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

CRL OP(MD). Nos.16716 and 16718 of 2022

1.Hemalatha ... Petitioner/Accused No.4
(in Crl.O.P(MD) No.16716 of 2022)

1.John Dinesh Kishore @ Johh Dinesh Kumar

2.Paulraj ... Petitioners/Accused Nos.1 & 2
(in Crl.O.P(MD) No.16718 of 2022)

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.
Crime No.70/2018.

... Respondent/Complainant
(in both petitions)

For Petitioners : Mr.S.P.Naveenkumar, Advocate
(in Crl.O.P(MD) No.16716 of 2022)

For Petitioners : Mr.G.Thalaimutharasu, Advocate.
(in Crl.O.P(MD) No.16718 of 2022)

For Respondent : Mrs.M.Assha,
Government Advocate (Crl.Side)
(in both petitions)

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

COMMON PRAYER :-

For Anticipatory Bail in Cr.No.70/2018 on the file of the respondent police.

COMMON 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), 494, 343 and 506(i) of IPC, in Crime No.70 of 2018, seek anticipatory bail.

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2.The case of the prosecution is that the marriage between the defacto complainant and the first accused was solemnized on 08.07.2017 and after marriage, they were living together in Madurai and thereafter, the defacto complainant came to know that the first accused had illicit relationship with the fourth accused. When the same was questioned by the defacto complainant, she was subjected to both mental and physical cruelty. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant was not interested for matrimonial life and she voluntarily left the matrimonial home and went to her parental home. Under these circumstances, the first petitioner filed a petition in I.D.O.P.No.82 of 2017 before the Family Court, Madurai for divorce and the same is pending. With a view to harass the petitioners and their family members, a false case has been foisted against them. He would further submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P(MD) Nos.804 and 806 of 2019, dated 22.01.2021. After getting anticipatory bail order, the petitioners could not able to produce sureties before the concerned Judicial Magistrate Court within the time stipulated by this Court. Hence, the first anticipatory bail order was automatically cancelled. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the first accused had illegal intimacy with the fourth accused. When the same was questioned, the petitioners threatened the defacto complainant and also harassed her. He would further submit that earlier the petitioners moved an anticipatory bail petition in Crl.OP(MD) Nos.804 and 806 of 2019 and the same was ordered. Since the condition imposed by this Court has not been complied with, the anticipatory bail order was automatically cancelled and investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature and gravity of the offence and the conduct of the petitioner to disobey the earlier order of this Court, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, these Criminal Original Petitions are dismissed.
sd/-

27/09/2022

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/10/2022

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



TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI.

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2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



ORDER
IN
CRL OP(MD). Nos.16716
and 16718 of 2022
Date :27/09/2022

RK/SBN/SAR-2 (14/10/2022) 3P/3C