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

Date : 24/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.15175 of 2022

1. Ponnammal
2. Kasthuri

... Petitioners/Accused No.2 & 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi Police Station,
Sivagangai District.
(Crime No.33 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Abdul Wahab A, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

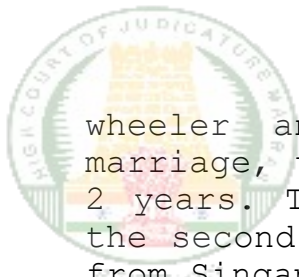
PRAYER :-

For Anticipatory Bail in Crime No.33 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2&3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A, 323, 406 and 506(1) of I.P.C, 1860, in Crime No.33 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as alleged by the defacto complainant is that she was married to the first accused on 25.02.2018 as per the religious customs. After that, they were living jointly along with the accused No.2 & 3. At the time of marriage, she was provided with 10 sovereigns of gold jewels, two



wheeler and household articles worth about Rs.2 lakhs. After marriage, the first accused was working in Singapore for a period of 2 years. The first child was born and died. Later, on 14.01.2022, the second child was born. At that time, the first accused returned from Singapore. After returning from Singapore, he did not take care of the child as well as the defacto complainant. Trouble was made by the second accused and one Kasthuri over the domestic requirements. So, she was assaulted and driven out of the house by her husband. Again, she went to the matrimonial home. At that time, she was not permitted by the second accused. She is also came to knowledge that the first accused went to Singapore one month prior to the above said occurrence. So, over the above said occurrence, case was registered against 3 persons. The second accused is the mother-in-law and the third accused is the wife of her husband's brother.

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 both the husband and wife have left from the matrimonial home two years prior to the occurrence. They have not contacted each other. Even after the first accused went to Singapore, there was no contact.

4. Whether those things are matter for investigation.

5. Considering the limited role alleged have been played by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners since it is a dispute between the husband and wife.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Karaikudi, 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 the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioners 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/-

24/08/2022

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/09/2022

Sub-Assistant Registrar (C.S.IV)
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.

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TO

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

ORDER

IN

CRL OP(MD) No.15175 of 2022

Date :24/08/2022

SP/SVR/SAR IV/06/09/2022/3P/5C