



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

Date : 21/09/2022

PRESENT

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

CRL OP(MD) . No.16887 of 2022

1. Ajith Kumar
2. Rajendran
3. Murugeshwari
4. Rathika
5. Ramesh

... Petitioners/Accused No.1 to 5

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No. 13 of 2022).

... Respondent/Complainant

For Petitioners: Mr.A.Nawazkhan, Advocate
for M/s.Ajmal Associates,
For Respondent : M/s.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.13 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A) and 406 IPC, in Crime No.13 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 05.03.2020 and at the time of marriage, the defacto complainant's parents gave 26 sovereigns of gold jewels to the first petitioner. Thereafter, the first petitioner, at the instance of his family members, who are the petitioners 2 to 5, had demanded 20 sovereigns of jewels and scooty from the defacto complainant's parents and also beaten the defacto complainant. 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. He would further submit that first petitioner has filed a restitution of conjugal rights in H.M.O.P.No.829 of 2022 on the file of the Family Court, Theni and the same is still pending. He would further submit that the counter case in Crime No.46 of 2022 is pending against the de-facto complainant.

4.The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute between the parties and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that there existed matrimonial dispute between the parties and also the fact that the counter case is pending against the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners 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 No.I, Usilampatti, 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 on further conditions that:

(a)the petitioners 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 shall report before the respondent police daily at 10.30 am until further orders.

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

(d)the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners 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/-
21/09/2022

WEB COPY

/ TRUE COPY /

/10/2022

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-10369[I] dated 22/09/2022)

ORDER
IN
CRL OP(MD) No.16887 of 2022
Date :21/09/2022

sj i
USK/VR/SAR- /07.10.2022/3P/6C