



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

Date : 22/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18373 of 2021

WEB COPY

1. K.Karthikeyan
2. K.Karunakaran
3. Ponmari

... Petitioners/Accused Nos.1 to 3

Vs.

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Thilagal Thidal,
Madurai City.

Crime No.36 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Suthakaran,I. Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)

For Intervenor : M/s.A.S.Rajeswari, Advocate

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

PRAYER :-

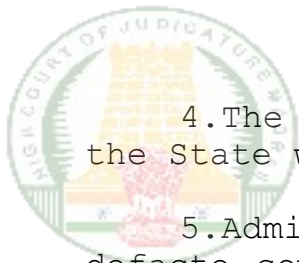
For Anticipatory Bail in Crime No. 36 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 498 (A) IPC, in Crime No.36 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 11.07.2019 and at the time of marriage the defacto complainant's father has given 47 sovereigns of jewels to his daughter and 7 sovereigns of jewels to the first petitioner. Thereafter, the petitioners harassed the defacto complainant by demanding additional dowry, due to which, there arose wordy quarrel between them, the petitioners abused the defacto complainant and threatened her. 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 (Criminal Side) appearing for the State would submit that the mediation ended in failure.

5.Admittedly, the marriage between the first petitioner and the defacto complainant was solemnized on 11.07.2019, that subsequently there arose some misunderstanding between them and they are living separately. When the matter was taken up on 30.11.2021, on considering the submission made by the learned counsel for the petitioners that there was some possibility for amicable settlement between the parties and this Court referred the matter to mediation. After mediation, mediation report has been received stating that the mediation ended in failure.

6.The learned counsel for the intervenor would submit that subsequently, they have received the jewels from the petitioners.

7.It is also not in dispute that the defacto complainant has already filed a petition for restitution of conjugal rights and whereas the first petitioner has filed a petition for divorce and both the petitions are pending before the Family Court, Srivilliputhur.

8.Considering the facts and circumstances of the case and also considering nature of the allegations levelled against the petitioners and that the defacto complainant has raised some omnibus allegations against the petitioners and that the first petitioner has filed a petition for restitution of conjugal rights and also the petition for seeking divorce filed by the defacto complainant are pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

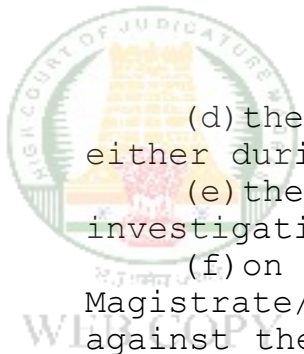
9.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court (Magistrate Level), Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 1 and 2 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the third petitioner shall report before the respondent

<https://hcservices.tn.gov.in/hcservices> when required for interrogation.



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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/03/2022

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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 ADDITIONAL MAHILA JUDGE,
(MAGISTRATE LEVEL), MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-THILAGAR THIDAL,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-2303[I] dated 22/03/2022)

ORDER

IN

CRL OP(MD) No.18373 of 2021

Date :22/03/2022

das

USK/VR/SAR-III/25.03.2022/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>