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CRL OP(MD). N



22

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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17674 of 2022

1. Bharath @ Sri Bharath
2. Jothimani

... Petitioners/A1 to A2

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Periyakulam,
Theni District.
Crime No.210 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Vinothkumar R, Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.210 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 323, 498(A), 313 of IPC and Section 4 of Dowry Prohibition Act, in Crime No.210 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife. The petitioner had illegal intimacy with A4, over which, a frequent quarrel arose between the petitioner and his wife. Thereafter, they were separated.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant refused to live with the petitioner's family and asked the first petitioner to arrange separate house for living.



4. The learned Government Advocate (Crl. side) appearing for the respondent police submitted that the investigation is going on.

5. Considering the facts and circumstances of the case and also considering the fact that it is a family dispute, this Court is inclined to grant anticipatory bail to the petitioners.

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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two common 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 Aadhaar card or bank pass book to ensure their identity.

[b] the first petitioner and the defacto complainant shall appear before the Sub Court, Theni for mediation. The mediation centre shall appoint the mediator and the Mediator shall conclude the mediation process in six sitting.

(c). The first petitioner is directed to pay a sum of Rs.7,000/- (Rupees Seven Thousand only) as monthly maintenance to the defacto complainant. The maintenance amount must be paid on or before 5th of every month of English calendar, till the issue is solved as interim measure.

(d) The second petitioner shall appear before the respondent police as and when required for interrogation.

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.



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

sd/-
06/10/2022

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

TO

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

COPY TO:

- 1 THE SUBORDINATE JUDGE,
THENI.
- 2 THE CHIEF CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
SUBORDINATE COURT, THENI.

+1 CC to M/s.R.VINOTHKUMAR, Advocate (SR-11119[I] dated
10/10/2022)

ORDER
IN
CRL OP(MD) No.17674 of 2022
Date :06/10/2022

TTA
MK/SVR/SAR.I/11.10.2022/3P/8C