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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.17761 of 2022

1. S.Raja Shankar
2. Selvaraja
3. Packiya Lakshmi

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.

In Crime No.42 of 2022.

... Respondent/Complainant

For Petitioners : Mr.Aravind Raj.R,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

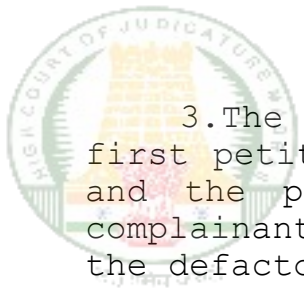
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.42 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 offence punishable under Sections 498(A), 406 and 294(b) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.42 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner married the defacto complainant on 25.06.2014. They lived at Chennai and thereafter Bangalore. Due to the said wedlock, a male child was also born. The in-laws of the defacto complainant demanded dowry and harassed her. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the first petitioner and the defacto complainant are residing elsewhere and the petitioners 2 and 3 have no way harassed the defacto complainant. Due to family dispute between the first petitioner and the defacto complainant, a false complaint has been lodged.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the investigation is pending and mediation is also pending before the Family Court, Madurai.

5.Considering the facts and circumstances of the case, 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 No.II, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 shall report before the respondent police on first and third Sunday of every month for a period of three months and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]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]**.

7. Since this matter relates to matrimonial dispute, this Court directs the first petitioner and the defacto complainant and their family members to appear before the Mediation and Conciliation Centre attached to the Family Court, Madurai. The Mediator shall



conduct the Mediation between the parties for atleast six months and to resolve the dispute between the parties. If the petitioner fail to co-operate for mediation, the order now passed by this Court will stand vacated automatically.

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE JUDGE,
FAMILY COURT,
MADURAI.
- 2 THE CHIEF CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
FAMILY COURT, MADURAI.

+2 CC to M/s.R.ARAVIND RAJ, Advocate (SR-11071 & 11172 [I] dated
10/10/2022)

ORDER
IN
CRL OP(MD) No.17761 of 2022
Date :06/10/2022

IAS
MK/GB/SAR.I/11.10.2022/3P/9C