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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.17796 of 2022

1. Sankar

2. Sivagnanampillai

... Petitioners/Accused No.1&2

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.06/2022).

... Respondent/Complainant

For Petitioners : Mr.Murali Kumar A,
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.06/2022 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), 294(b), 323, 406 and 506(i) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 4 of Dowry Prohibition Act, in Crime No.6 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner married the defacto complainant on 18.11.2012. Due to the said wedlock, a male child was also born. Due to misunderstanding, the matrimonial life came under strain. The defacto complainant went to her parental home and living there. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged in the FIR. The first petitioner through his counsel gives an undertaking that he will pay a sum of Rs.7,000/- as maintenance to the his wife and son till the disposal of H.M.O.P.

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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 Additional Mahila Court, Srivilliputhur. .

5.Considering the facts and circumstances of the case and recording the undertaking of the first petitioner that he will maintain his wife and son, 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 Additional Mahila Court, Srivilliputhur, 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 petitioners 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 Additional Mahila Court, Srivilliputhur. The Mediator shall conduct the Mediation between the parties for atleast six sittings 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.

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TO

1. THE ADDITIONAL MAHILA COURT,
SRIVILLIPUTUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
MEDIATION AND CONCILIATION CENTRE ATTACHED
TO THE ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR.

+1 CC to M/s.A.MURALI KUMAR, Advocate (SR-11014[I] dated
06/10/2022)

ORDER
IN
CRL OP(MD) No.17796 of 2022
Date :06/10/2022

RK/GB/SAR-1 (11/10/2022) 3P/6C