



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.17775 of 2022

1. Santhi

2. Kiruba Pradeep Raj ... Petitioners/Accused 1 - 2

Vs

The Inspector of Police,
Nagamalai Puthukottai Police Station,
Nagamalai Puthukottai,
Madurai District..

... Respondent/Defacto Complainant

For Petitioners : M/s.Deivendra Muniyasamy.M,
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. 295/2022 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 494, 498(A) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.295 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner and the defacto complainant are husband and wife. Right from the date of marriage, a frequent quarrel arose between the second 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 the second petitioner is ready to reunion.



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 VI, Madurai, 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 second petitioner and the defacto complainant shall appear before the Sub Court, Thirumangalam. The mediation centre shall appoint the mediator and the Mediator shall conclude the mediation process in six sitting.

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

[d] the petitioner shall not tamper with the 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]**.

(g) 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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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE INSPECTOR OF POLICE
NAGAMALAI PUTHUKOTTAI POLICE STATION,
NAGAMALAI PUTHUKOTTAI, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

5 THE SUBORDINATE JUDGE,
THIRUMANGALAM.

+1. CC to M/S.DEIVENDRA MUNIYASAMY.M Advocate SR.No.11063

ORDER

IN

CRL OP(MD) No.17775 of 2022

Date :06/10/2022

SS/SVR/11/10/2022/ 3P 7C