



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19845 of 2021

WEB COPY

1.D.Prakash
2.Logambal
3.Sheeladevi
4.Thiyakarajan
5.Ramesh
6.Jeeva @ Sheepa

... Petitioners/Accused 1 to 6

Vs

1.State Rep.by
The Inspector of Police,
All Women Police Station,
Lalgudi, Trichy District.
Cr.No.43 of 2021.

... Respondent/Complainant

2.Vidhya
(R2 Suo Motu Impleaded as Per order
of this Court dated 14.12.2021 in
Crl.OP(MD)No.19845 of 2021)

... 2nd Respondent

For Petitioners : M/s.K.K.Samy, Advocate.
For R1 : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
For R2 : No Appearance

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

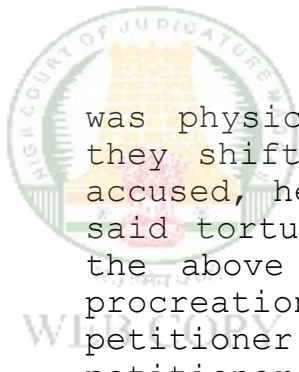
PRAYER :-

For Anticipatory Bail in Crime No.43 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 498(A), 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act, 1961, in Crime No.43 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was married to the first petitioner on 02.07.2018. At that time, sufficient Sridhanas, cash amount and one Bajaj Pulsar motor bike was also given to the first petitioner. Right from the marriage, she



was physically assaulted by all the accused persons. After that, they shifted to Kerala. There also at the instigation of all the accused, her husband harassed and tortured her. Because of the above said torture, her father also died in July 2019. Even after that, the above said harassment and torture continued. Because of non procreation of child, again, she was sexually harassed by the first petitioner. On 30.04.2021, she gave a legal notice to the first petitioner. Even after that, there was no change in the attitude of her husband. 14 Sovereigns of gold jewels was received by him. That was also not returned. So, unable to bear the above said torture and harassment, she lodged a complaint before the respondent police. During the pendency of this petition, the matter was referred to mediation and it could not be settled because of the non co-operation of the parties.

3.The learned counsel for the petitioners would submit that even though the first petitioner appeared before the Mediation Centre, because of the absence of the second respondent, it could not be settled.

4.The learned Government Advocate (Crl.Side) would submit that both parties did not appear before the Mediation Centre.

5.The learned counsel for the petitioners would submit that because of the non procreation of child, there was trouble between them and the husband filed a divorce petition before the Sub Court, Kuzhithalai, on 09.07.2021 and it is pending. After that only, the present complaint has been given by the defacto complainant on 08.12.2021. Wherein, it has been stated that only of the adamant nature of the second respondent, compromise could not be reached between them.

6.It is further seen that when the trouble arose between them, the second respondent gave a notice by expressing her willingness to live with her husband. But, however, later, again trouble has been arisen between them and divorce petition has been filed by the first petitioner on 09.07.2021.

7.Since the effort made by this Court to compromise the parties failed and the matter is pending for very long time before this Court, this is Court inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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, before the learned Judicial Magistrate, Lalgudi, Trichy District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate

<https://hccourtservices.gov.in/public>



police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
29/06/2022

/ TRUE COPY /

/07/2022

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

+1 CC to M/s.K.K.SAMY, Advocate (SR-6439[I] dated 01/07/2022)

ORDER
IN
CRL OP(MD) No.19845 of 2021
Date :29/06/2022

RS/PN/SAR.2 (07.07.2022) 3P-6C