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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.20002 of 2021

1. Perumalsamy
2. Goppammal
3. Mahalakshmi
4. Ramachandran
5. Mohanapriya

... Petitioners/Accused
No.1 to 5

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.
(Crime No.55/2021).

... Respondent/Complainant

- (*) 2. Dhanalakshmi

... 2nd Respondent/Defacto
Complainant

- (*) (R2-Suo Motu impleaded as per
order of this Hon`ble Court
dated 15.12.2021 in Crl.OP(MD)
No.20002/2021 by GIJ)

For Petitioners : M/s. Haroon Rasheed.D.S, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

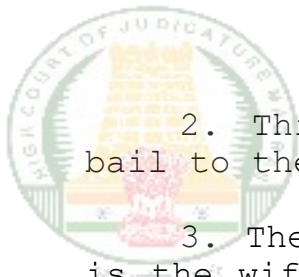
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.55 of 2021 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 5, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 498(A) and 406 IPC, in Crime No.55 of 2021 on the
file of the respondent police, seek anticipatory bail.



2. This Court on 21.06.2022 had already granted anticipatory bail to the petitioners 2 to 5.

3. The case of the prosecution is that the defacto complainant is the wife of the first accused and the other accused are the in-laws of the defacto complainant. The first petitioner used to consume liquor daily and assault the defacto complainant. The other petitioners also assaulted the defacto complainant by demanding more dowry. Without tolerating the behaviour of the first petitioner, the defacto complainant went to her parental home. On 11.12.2021, when she came to the parental home, all the accused said to have assaulted her by demanding more dowry. Hence, the complaint.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a matrimonial dispute between the parties.

6. It is seen that the matter has already been referred to mediation and it is pending from the year 2021.

7. The learned counsel for the petitioners would submit that the first petitioner appeared before the mediation, but the second respondent did not appear and the first petitioner given an undertaking that he will return the college certificates, which belongs to the defacto complainant. Thereafter, he was not in a position to handover the same to the defacto complainant. He would further submit that the first petitioner is ready to handover the college certificates before the respondent police. He would further submit that without any reference, Specific dates and events, the first petitioner has filed the petition for Restitution of Conjugal rights before the Family Court, Madurai in H.M.O.P.No. 1199 of 2021 and also submits that he is ready to live with the second respondent, but she is not willing for reunion.

8. Considering the facts and the circumstances of this case and also considering the relationship between the parties, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

9. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or his appearance, before the Additional Mahila Court (JM Level) Madurai, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned; and the first petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The first petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



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

11. The first petitioner must appear before the respondent police and hand over the college certificates belonging to the defacto complainant. Thereafter, the respondent police handover the same to the second respondent under due for acknowledge.

Sd/-
19/07/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

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 ADDITIONAL MAHILA COURT,
(JUDICIAL MAGISTRATE LEVEL),
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20002 of 2021
Date :19/07/2022