



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

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.17012 of 2019

1. K.Muthukumar
2. M.Kanagasabapathy
3. K.Subbammal ... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Srivilliputhur,
Virudhunagar District.
(In Crime No.10 of 2019). ... Respondent/Complainant

Arasi ... Intervening Petitioner/
Defacto Complainant
In Crl.MP(MD).7356/2022
in Crl.OP(MD).17012/2019

For Petitioners : M/s.S. MAHALAKSHMI, Advocate.

For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.MAHESWARAN, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.10 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A) of IP.C. and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.10 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband and the petitioners 2 & 3 are in-laws of the defacto complainant. Since the first petitioner is working at America, after



marriage, he took the defacto complainant to America and the complainant gave birth to a girl child and again, girl child was born. The petitioner and the in-laws insisted her to give birth for male child and also harassed her. Thereafter, they separated and the first petitioner filed a petition in H.M.O.P.No.74 of 2019 seeking divorce before the Family Court, Srivilliputhur in Virudhunagar District. The defacto complainant has also filed a petition for restitution of conjugal rights. Even though, the first petitioner earning a lakh of rupees, till date he has not paid any amount to the defacto complainant and her children towards maintenance. Hence, the complaint.

3.It is seen that the matter is of the year 2019 and being kept pending with the hope that compromise will be reached between the parties and it was referred to mediation. But, it could not be settled. Matrimonial matters are also pending between the parties. One for divorce and another for restitution for conjugal rights. Apart from that, criminal case is also pending between them. The petitioners 2 & 3 were already granted anticipatory bail by this Court.

4.The learned counsel for the Intervener would submit that for the past two tenure he has paid tuition fees for the children. But, the first petitioner is earning more than lakh of rupees. He would further submit that he has no objection to grant anticipatory bail to the first petitioner. But, a direction must be given to the first petitioner to pay maintenance amount to the defacto complainant and her children.

5.The learned counsel for the petitioner would submit that the first petitioner earned only a sum of Rs.25,000/- per month.

6.But, this Court is not in a position to understand this sort of argument. The petitioner is an Engineer working at America. Considering the status of the parties, Rs.25,000/- must be paid by the first petitioner to the defacto complainant towards maintenance of herself and her children. If any maintenance amount is awarded in M.C, this amount shall be taken for consideration by the concerned Court. The amount must be paid on or before 5th day of every English Calender month.

7.Without going to the other aspects, this Court granted anticipatory bail to the first petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is allowed and the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District, on condition that the first petitioner 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



concerned and the first petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The first petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The first petitioner 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 NO.II,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.MAHALAKSHMI Advocate SR.No.29072 (F)

ORDER

IN

CRL OP(MD) No.17012 of 2019
Date : 29/06/2022

SA/VR/SAR.2/08.07.2022/3P/6C