



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) Nos.3612 and 3494 of 2023

1.S.Williams

2.Lithicia @ Lethisia Amalorpava Mary

...Petitioners/A2 & A3 in Cr1.O.P (MD) NO.
3612 of 2023

Stephen Prince

...Petitioner/A1 in Cr1.O.P (MD) NO.
3494 of 2023

-vs-

The State represented by
The Sub Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City
(Cr.No.6 of 2023)

...Respondent/Complainant
in both petitions

PRAYER: Criminal Original Petitions are filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.6 of 2023 on the file of the respondent Police.

In both petitions:

For Petitioner : Mr.S.Sivasubramanian

For Respondent : Mr.A.Albert James
Government Advocate (Cr1.side)

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498A, 406 and 506(1) IPC in Crime No.06 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that the marriage between the first accused and the defacto complainant was solemnized on 19.06.2013 and thereafter a male child by name Jaffer Immanuel was born on 29.09.2014. The first accused used to harass her and tortured her mentally and sexually. Further allegation is that the parents and relatives of the first accused had demanded more dowry and had driven out the defacto complainant out of the matrimonial home and they have also refused to return back 16 sovereigns of jewels and Rs.6,50,000/- cash, which were given to the time of marriage. Hence, the case.



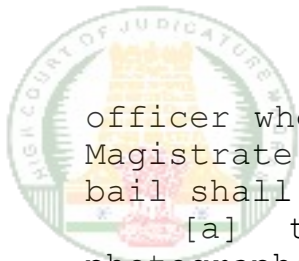
3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would also submit that the petitioners in Crl.O.P(MD) No.3494 of 2023 is the husband of the defacto complainant and the petitioners in Crl.O.P(MD)No.3612 of 2023 are the in-laws of the defacto complainant and the marriage between the first accused and the defacto complainant took place 10 years ago and she delivered a male child and subsequently, the attitude of the defacto complainant changed and she did not give respect to the petitioners and she went up on creating problems. He would further submit that earlier she left the home without informing the petitioner and thereby a complaint was given against the defacto complainant before the All Women Police Station, Puliakulam Coimbatore District on 20.11.2022 in respect of which an enquiry was conducted in CSR No.749 of 2022 and subsequently, the petitioner did not return back home and the petitioner in Crl.O.P(MD)No.3494 of 2023 has also filed a petition for restitution of conjugal rights in H.M.O.P.NO.66 of 2023 before the Family Court, Coimbatore on 06.01.2023 and only as a counter blast, the defacto complainant preferred the present complaint on 11.12.2022 on the allegations over a period of 10 years and that though the petitioner in Crl.O.P(MD)No.3494 of 2023 is willing to live with the defacto complainant, she does not want to live with him. He would pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners harassed the defacto complainant mentally and sexually and they have refused to give back 16 sovereigns of jewels and Rs.6,50,000/- and they had driven out her from matrimonial home and he opposes to grant anticipatory bail.

5. The learned counsel for the intervenor/defacto complainant would submit that the first accused/husband and his parents had tortured the defacto complainant and the first accused harassed her mentally and sexually and they have not given back her 16 sovereigns of jewels and Rs.2,65,000/- cash. He would strongly object for grant of anticipatory bail to the petitioners.

6.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like



officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner in CrI.O.P(MD)No.3494 of 2023 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders and the petitioners in CrI.O.P(MD)No.3612 of 2023 shall appear before the respondent police for a period of one week and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/03/2023

/ TRUE COPY /

/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THILAGAR THIDAL,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.À.SIVASUBRAMANIAN, Advocate (SR-3116, 3117[I] dated 01/03/2023)

ORDER

IN

CRL OP(MD) No.3612 and 3494 of 2023
Date :01/03/2023