



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7612 of 2023

1. Vinothkumar,
2. Pandian,
3. Vijaya,
4. Kathiresan,
5. Parvathi,
6. Dharmar,
7. Mahalakshmi,

... Petitioners/Accused 1 to 7

Vs

The state rep.by
The Inspector of Police,
All Women Police Station, Usilampatti,
Madurai District.
In Crime No.8 of 2023..

... Respondent/Complainant

For Petitioners : M/s.S.P.Naveenkumar,
Advocate.
For Intervenor : M/s.S.Ramasamy
Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of
the respondent police for the offences punishable under sections 498
(A), 406 and 506(i) of I.P.C., in Crime No.8 of 2023 on the file of
the respondent police, seek anticipatory bail.

<https://www.mca.gov.in>



2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 31.08.2020 as per Hindu rites and customs. After marriage they started to live in the matrimonial house at Secunderabad. In the meantime the mother of the defacto complainant became ill and as a consequence the petitioners came to the house of the defacto complainant to see the mother of the defacto complainant. While being so on 26.01.2023 the petitioners once again came to the house of the defacto complainant and demanded 50 sovereigns and made quarrel with them, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. Taking into consideration of the facts that it is a case of matrimonial dispute between the parties, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. 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.I, Usilampatti 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 respondent police or the police 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 first petitioner alone shall report before the respondent police daily at 10.30 am., for a period of two weeks 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.

[g] during enquiry within 15 days from the date of receipt of a copy of this order the petitioner shall hand over all the household articles of the defacto complainant which were given at the time of marriage as sridhana , failing which the anticipatory bail granted to the first petitioner alone shall stand cancelled and the respondent is directed to secure the first petitioner and proceed in accordance with law.

sd/-

24/04/2023

/ TRUE COPY /

/05/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.
 - 2 DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
USILAMPATTI.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC TO M/S.S.P.NAVEENKUMAR ADVOCATE SR.NO.6499,
dated.25.04.2023.
- +1 CC to M/s.S.RAMASAMY, Advocate SR.NO.6569,
dated.25.04.2023.

ORDER

IN

CRL OP(MD) No.7612 of 2023

Date :24/04/2023

SI/RR/SAR-I(28.04.2023) 3P/ 7C