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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/03/2023

PRESENT

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

CRL OP(MD) . No.10043 of 2022

1. S. Vijayananth,  
2. S.Rani Porselvi,  
3. P.Subramani,  
4. Sivaranjani,  
5. P.Yogalakshmi,  
6. T.Paramasivam,  
7. P.Premalatha,

... Petitioners/Accused

Vs

The State represented by  
The Inspector of Police,  
Awps Thilagar Thidal,  
Madurai Cr.No.27/2022.

... Respondent/Complainant

T.Karthika

... Petitioner/Intervenor  
in CRL MP(MD) No.6633 of 2022

For Petitionesr : M/s. Nagendran V,  
Advocate.

For Intervenor : M/s.Antony Arulraj  
Advocate

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

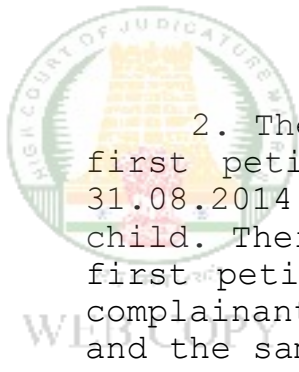
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

for Anticipatory Bail in Cr.No.27/2022 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 494 of I.P.C., in Crime No.27 of 2022 on the file of the  
respondent police, seek anticipatory bail.



2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 31.08.2014 and out of the wedlock they were blessed with a male child. Thereafter due to misunderstanding they got separated and the first petitioner had filed a petition for divorce and the defacto complainant had filed a petition for restitution for conjugal rights and the same is pending. Further the first petitioner has taken away the child of the defacto complainant, 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.IV, Madurai 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 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.

sd/-

08/03/2023

/ TRUE COPY /

/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV  
MADURAI.

2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, THILAGAR THIDAL,  
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S. NAGENDRAN V Advocate SR.No.3713

ORDER

IN

CRL OP (MD) No.10043 of 2022

Date :08/03/2023

SS/SAR IV/14/03/2023/3P/6C