



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23/03/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

WEB COPY

Crl.MP(MD)No.7882 of 2022

in

Crl.OP(MD)No.16647 of 2021

ST.Prabavathi

... Petitioner/Intervenor

Petitioner/De-facto Complainant

Vs.

1.State through

The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy District.
(Crime No.18 of 2021)

: R1/De-jure Complainant

2.Kamalesh

: R2/Petitioner/A1

Prayer:- Criminal Original Petition is filed under section 439 (2) r/w 482 of the Criminal Procedure Code, to cancel the anticipatory bail granted by this court in Crl.OP(MD)No.16647 of 2021, dated 16/12/2021 to the respondent No.2 forthwith and pass such further or other orders.

For Petitioner : Mr.R.Alagumani, Advocate

For 1st Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

For 2nd Respondent : Mrs.S.Prabha, Advocate

O R D E R

This criminal original petition has been filed seeking cancellation of anticipatory bail that was granted by this court in Crl.OP(MD)No.16647 of 2021, dated 16/12/2021 to the 2nd respondent herein.

2.The facts in brief:-

The second respondent herein filed anticipatory bail in Crl.OP (MD)No.16647 of 2021. At the time of hearing the above said



anticipatory bail application, the following observation made:-

(i) The Petitioner must return the original of certificates and passport of the de-facto complainant within a period of 15 days from the date of receipt of this order copy;

(ii) Till reunion occurs between the petitioner and the de-facto complainant, the petitioner must pay Rs.25,000/- (Rupees Twenty Five thousand only) as monthly maintenance to the de-facto complainant and the child. The payment of maintenance must start from the month of January 2022, until further order is passed.

(iii) For the purpose of exploring possible of reunion, the interim order already granted by this court, is extended for a further period of three months, from today. The parties must inform the court, after three months with regard to the development of the issue by way of filing miscellaneous petition.

3. The matter was referred to Mediation. In the mediation process, the de-facto complainant insisted the husband to return with her educational certificate of original documents, passport, birth certificate of the child and also wanted monthly maintenance. In the mediation, at the advise of the mediator, the husband returned the original certificates and other documents. He also agreed to pay the monthly maintenance as fixed by this court till reunion occurs.

4. Finding that there was a petty issue between the husband and the wife; Both of them were not taken proper steps for reunion; To explore the possibility of settlement, interim protection was granted to the 2nd respondent herein. He was also directed to pay a sum of Rs.25,000/- as monthly maintenance to the wife and the children. Thereafter, the matter was not listed, since it was disposed with the above said direction. They were also directed to inform the court after three months about the development. In the meantime, no development and there was no reunion.

5. Now the wife filed this criminal miscellaneous petition seeking cancellation of the interim protection that was granted in the anticipatory bail petition on the ground that the 2nd respondent is willfully disobeying the order of this court in paying the maintenance. Again, the 2nd respondent was served. He was also present before this court and continuously insisted that he wanted only reunion. He is not in a position to comply the order of this court by paying the maintenance.



6.The learned counsel appearing for the 2nd respondent expressed fear that if the monthly maintenance is given, there is no possibility of reunion in future. But however, as mentioned above, the 2nd respondent himself agreed for payment of monthly maintenance to be fixed by this court to the wife and the children in the mediation process. Now, he is going back upon his own undertaking. The reason given by him is also not acceptable.

7.When there is deliberate disobedience of the order of this court, the interim protection that was granted to the 2nd respondent is liable to be cancelled.

8.In the result, this criminal miscellaneous petition is **allowed**, by cancelling the interim protection that was granted to the 2nd respondent herein in Crl.OP(MD)No.16647 of 2021, dated 16/12/2021. He must surrender and seek regular bail.

sd/-

23/03/2023

/ TRUE COPY /

/04/2023

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

ER

TO

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATIN,
THIRUVERUMBUR,
TRICHY DISTRICT.

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

+1 CC to M/s.S.PRABHA, Advocate (SR-4822[I] dated 24/03/2023)

ORDER

IN

CRL MP(MD) No.7882 of 2022

IN

CRL OP(MD) No.16647 of 2021

Date :23/03/2023

PKP/CG/SAR-2/19.04.2023/ 3P/4C

<https://www.mhc.tn.gov.in/judis>