



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 26.06.2023

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) .No.11490 of 2023

WEB COPY

1. S.Sabaridevi

2. Sivaselvam

... Petitioners/A4 & A5

Vs

State rep. by its  
The Inspector of Police,  
All Women Police Station,  
Karur, Karur District.  
(Crime No.30 of 2021)

...Respondent/Complainant

For Petitioners: Mr.R.Mathiyalagan,  
Advocate.

For Respondent : Mr.A.Albert James,  
Government Advocate (Crl. Side).

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

**PRAYER :-**

For Anticipatory Bail in Crime No.30 of 2021 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioners/A.4 & A.5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 498(A), 406 and 506(1) IPC, in Crime No.30 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the first accused are belonging to different communities and got married with the consent of their parents on 24.08.2020, that both of them started living together in the joint family with her in-laws, that since the marriage, the defacto complainant's husband and her in-laws had started abusing her under the guise that her household works were not satisfactory, that they have been torturing the defacto complainant even without providing adequate food, that when the same was reported to the first accused, he has not cared to hear her words, that when the defacto complainant had informed about her pregnancy, the first accused had compelled her to abort her pregnancy by suspecting her fidelity and that thereafter, the first accused and the petitioners, on 10.10.2021 had abused the defacto complainant with filthy language and attacked her brutally and sent



her out of the matrimonial house. Hence, the present complaint

3.The petitioners' case is that the first accused and the defacto complainant were living in the first accused house along with other family members, that in the month of September 2021, the first accused and the defacto complainant went to the defacto complainant's parents house and at that time, the first accused had seen the summons issued by the Family Court, Karur, and he was shocked to know that a petition has been filed by the defacto complainant seeking divorce from her former husband Tamilvendan in H.M.O.P.No.40 of 2021 and the Family Court has directed both parties to appear before the said Court, that the defacto complainant, by completely suppressing her earlier marriage, had married the first accused, that when the same was questioned, she was not in a position to reply and that in order to escape from the said issue, she has lodged the above false complaint.

4.Admittedly, the marriage between the first accused and the defacto complainant was solemnized on 29.08.2020.

5.Admittedly, the first petitioner / fourth accused is the sister of the first accused and the second petitioner / fifth accused is the husband of the first petitioner and that the petitioners are the residents of Erode District and the defacto complainant is now residing in Karur District.

6. The learned counsel for the petitioners would submit that the petitioners have already obtained anticipatory bail from this Court in Crl.O.P.(MD) No.20075 of 2021, vide order dated 28.03.2022 and since the matter was compromised between the parties, they have not complied with the directions of this Court and that therefore, the petitioners are constrained to file the present petition.

7.Considering the above facts and circumstances and also the facts that the defacto complainant has raised general and omnibus allegations against the petitioners and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 of receipt of a copy of this order, before the learned Additional Mahila Court (Judicial Magistrate Level) Karur, Karur District, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank passbook to ensure their identity.

[b]the first petitioner shall report before the respondent police as and when required for interrogation and the second petitioner shall report the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the 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 229-A IPC.

sd/-

26/06/2023

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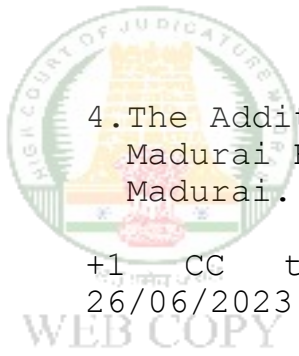
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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

das

TO

- 1.The Additional Mahila Court  
(Judicial Magistrate Level) Karur,  
Karur District.
2. -do-Through The Chief Judicial Magistrate,  
Karur District.
- 3.The Inspector of Police,  
All Women Police Station,  
Karur,  
Karur District.



CRL OP(MD).A



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4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.R.MATHIYALAGAN, Advocate ( SR-9538[I] dated  
26/06/2023 )

ORDER

IN

CRL OP(MD) No.11490 of 2023

Date :26/06/2023

RD/MGA (03/07/2023) 4P 6C