



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

Date : 02/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

WEB COPY

CRL OP(MD) . No.22424 of 2022

1. Sankarasubramaniam,
2. R.Sudha,

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Sub Inspector of Police,
Vallioor Police Station,
Tirunelveli District.
(Crime No.335/2022).

... Respondent/Complainant

V.Rathinavel Raja

... Petitioner/Intervener/Defacto Complainant
In CrI.MP(MD).15933/2022 in
CrI.OP(MD).22424/2022

For Petitioners : M/s.VASANTHA YUGESH.S., Advocate.

For Respondent : Mr.M.VEERANTHIRAN,
Government Advocate (CrI.Side)

For Intervenor : Mr.C.MUTHU SARAVANAN, Advocate.

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

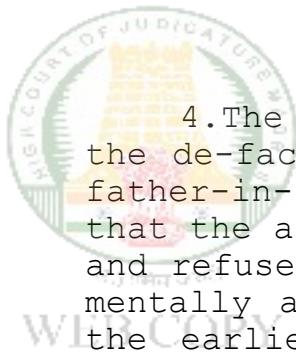
PRAYER :- For Anticipatory Bail in Crime No.335/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 323, 506(2) and 379 IPC in Crime No.335 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and A2 are husband and wife and A1 is the father-in-law of the de-facto complainant. When the de-facto complainant went to the house of the petitioners for taking her wife to abroad, the accused persons, due to some dispute, have attacked the de-facto complainant and caused injuries. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case, due to matrimonial dispute and thereby, he seeks for anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. side) would submit at the de-facto complainant and A2 are husband and wife and A1 is the father-in-law of the de-facto complainant. He would further submit that the accused have taken the passport of the de-facto complainant and refused to return the same and they have also committed torture mentally and cruelly. He would further submit that this Court, on the earlier hearing, had directed the petitioners to return the passport to the de-facto complainant, however, they have not returned the passport till date and thereby, he would seek for dismissal of this petition. He would submit that this is the second bail application and there is no change of circumstances.

5.The learned counsel for the intervenor would submit that the de-facto complainant is the husband of the second petitioner and they got one child and they have come back from abroad and on the instigation of the first petitioner, the second petitioner had taken away the passport and they have also abused him in filthy language and assaulted him. He would further submit that since the de-facto complainant is not having the passport, he is unable to go back abroad to join his employer and thereby, his employment has also been terminated. Hence, he seeks for dismissal of this petition.

6.Heard. Perused the materials available on record including the FIR.

7.This Court finding that this is a matrimonial dispute, had given a specific direction to the petitioners to return the passport of the de-facto complainant to the respondent police. However, the petitioners have not complied with the direction of this Court and they have refused to return the passport. This Court finds no change of circumstances and after the dismissal of earlier application in Crl.O.P.(MD)No.21265 of 2022, dated 01.12.2022 and thereby, this Criminal Original Petition is dismissed.

sd/-
02/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE SUB INSPECTOR OF POLICE,
VALLIOOR POLICE STATION, TIRUNELVELI DISTRICT.

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

ORDER IN

CRL OP(MD) No.22424 of 2022

Date :02/01/2023