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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/01/2023
PRESENT

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

CRL OP(MD) . No.23257 of 2022

1. Murugesan,

2. Rasu,

3. Amaravathi,

4. Pandian,

... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
Crime No.383 of 2022.

... Respondent/Complainant

Vijaya

... Petitioner/De-facto Complainant
In Cr1.MP(MD).334/2023 in
Cr1.OP(MD).23257/2022

For Petitioner : M/s.Prabha S,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Cr1.Side)

For Intervenor : M/s.A.Banumathy. Advocate

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

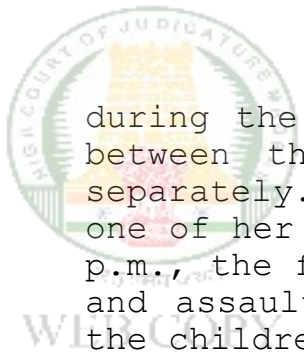
PRAYER :- For Anticipatory Bail in Crime No.383 of 2022 on the
file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
294(b), 323, 324, 355 and 506(ii) of I.P.C. and Section 4 of Tamil
Nadu Prohibition of Women Harassment Act, in Crime No.383 of 2022,
on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-fact complainant
Vijaya, is that she was married to the first accused Murugesan

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



during the year 2011 and during 2019, there was a misunderstanding between them and that she was leaving along with her children separately. While so on 17.12.2022, she was along with her children, one of her relative Ramesh, had gone for settlement and around 07.30 p.m., the first accused along with her brother had come to her house and assaulted her, abused her with filthy language and also taken the children and hence, the case.

3.The learned counsel for the petitioners would submit that the first petitioner is the husband of the de-facto complainant and the petitioners 2 to 5 are relatives of the first petitioner. He would further submit that due to matrimonial dispute, a false complaint has been given. He would further submit that there is a matrimonial dispute and the de-facto complainant had custody of the children and thereby, the first petitioner had taken the children. He would further submit that a settlement talks were effected and the children have also been handed over to the de-facto complainant. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that due to matrimonial dispute, the petitioners abused and assaulted the de-facto complainant and also taken the children from her custody. He would further submit that as of now, the children are now in the custody of the de-facto complainant. However, he vehemently opposed to grant anticipatory bail.

5.The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail stating that due to matrimonial dispute, the petitioners abused and assaulted the de-facto complainant and also taken the children from her custody. However, he would also submit that as of now, the children are now in the custody of the de-facto complainant.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and circumstances of the case, 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Pudukkottai, 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of one week 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/-

31/01/2023

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/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.II, PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.PRABHA S Advocate SR.No.1531

ORDER

IN

CRL OP(MD) No.23257 of 2022

Date :31/01/2023

SA/VR/SAR.4/09.02.2023/3P/6C