



Crl.O.P.(MD) No.23608 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23608 of 2023

1.P.Muruganantham

2.Packiyam

3.P.Panchavarnam

... Petitioners / Accused Nos.1, 3 and 4

Vs

**The Inspector of Police
All Women Police Station,
Tallakulam,
Madurai City.
(Crime No.65 of 2023)**

... Respondent/Complainant

For Petitioners : Mr.K.Anandraj,Advocate

For Respondent : Mr.M.Veeranthiran

Government Advocate (Crl.side)

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

PRAYER: Criminal Original Petition filed under Section 438 of 'the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioners/Accused Nos.2, 3 and 4 in Crime No.65 of 2023 on the file of the respondent police.

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



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 26.12.2023 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2.The petitioners/A1, A3 and A4 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 406 and 506(1) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.65 of 2023, on the file of the respondent Police.

3.The learned Counsel for the petitioners does not press this petition with regard to the first petitioner and he has also made an endorsement to that effect. Hence, this petition is dismissed as not pressed insofar as the first petitioner is concerned.

4. The case of the prosecution is that the de-facto complainant and the first petitioner are the husband and wife; that they got married on 31.08.2014; that at the time of marriage, the de-facto complainant gave 40 sovereigns of golds jewels to the first petitioner, who in turn, handed over the same to a lady, whom he had a relationship with outside of marriage (arrayed as A2 in this case); during the matrimonial life, the petitioners caused cruelty and harassed the de-facto



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complainant. Hence, the case.

5.The learned counsel for the petitioners submitted that the petitioners 2 and 3 are innocent persons and they have not committed any offence as alleged by the prosecution. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners 2 and 3.

6.The learned Government Advocate (Crl.side) appearing for the respondent submitted that the first petitioner has a relationship outside of marriage with another woman (A2) and that investigation is not yet completed. Accordingly, he prayed to dismiss this Criminal Original Petition.

7.Heard on both sides. This Court has perused the records.

8.Considering the facts and circumstances of the case, this Court is of the view that the custodial interrogation of the petitioners 2 and 3 is not necessary. The petitioners 2 and 3 are senior citizens. The petitioners 2 and 3 have permanent residence. Hence, there is no possibility for absconding. The real dispute is between the first petitioner and the de-facto complainant. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioners 2 and 3 subject to the following conditions.

(i) The petitioners 2 and 3 shall be released on bail in the event of their arrest or

in the event of their surrender before the learned Judicial Magistrate No.II, Madurai

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within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousands only) each along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai;

(ii) The petitioners 2 and 3 shall appear and sign before respondent Police weekly twice, ie., on Monday and Friday at 10.30 am until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners 2 and 3 shall make themselves available for interrogation by police as and when required;

(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioners 2 and 3 shall not leave India without the prior permission of trial Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial

Magistrate/trial Court is entitled to pass appropriate orders against the petitioners 2



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and 3 in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra insofar as 2nd and 3rd petitioners are concerned and dismissed as not pressed insofar as 1st petitioner is concerned.

sd/-
28/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI CITY.



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

+1. CC to K ANANDRAJ Advocate SR.No.18414(I) dt:28/12/2023

ORDER
IN

CRL OP(MD) No.23608 of 2023

Date :28/12/2023

PKP/JGB/SAR- /02.01.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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