



CRL OP(MD) No.1169 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1169 of 2024

1 SUBBIRAMANIYAM

2 SELVI

3 KRISHNAVENI

4 VIMALA

... PETITIONERS/ ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION-SOUTH,
MADURAI CITY.

CRIME NO.NOT KNOWN OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioners : MR.R.ANAND, Advocate
for MR.M.MAHARAJA, Advocate

For Respondent : MR.S.MANIKANDAN,
Government Advocate (Crl.Side)

For Defacto Complainant : MR.B.RAMANATHAN, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.NOT KNOWN OF 2024 ON
THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A3, A4, A5 & A2, who apprehend arrest at the hands of the
respondent police for the alleged offences under Sections 498(A), 494 and 109 of IPC

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



CRL OP(MD) No.1169 of 2024

in Crime No.49 of 2023, seek anticipatory bail.

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2.The case of the prosecution is that the petitioners 1 and 2 are the father-in-law and mother-in-law of the defacto complainant. The petitioners 3 and 4 are the mother-in-law and second wife of A1. The defacto complainant and A1 are the husband and wife. They loved each other and performed their marriage without consent of their parents. Out of wedlock, they blessed with a female child. Subsequently, there was matrimonial dispute between the defacto complainant and A1. Hence, A1 filed a petition in HMOP.No.1025 of 2015 before the Family Court, Madurai, seeking divorce and the same was dismissed. Thereafter, the defacto complainant filed Maintenance Case and the same is pending. When the relationship between the defacto complainant and A1 as a husband and wife is still subsisting, A1 secondly married the fourth petitioner herein with the help of the petitioners 1 to 3. Thereby, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition insofar as the fourth petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as withdrawn insofar as the fourth petitioner is concerned.

4. He further submitted that the petitioners 1 to 3 have not committed any



CRL OP(MD) No.1169 of 2024

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offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners 1 & 2 are the in-laws of the defacto complainant and the third petitioner is the mother-in-law of A1. They are nothing do to with the dispute between A1 and the defacto complainant. However, in order to show their bona fide, they are ready and willing to deposit a sum of Rs.15 lakhs in any one of the Nationalized Banks in Fixed Deposit in the name of the defacto complainant's child / Grand-daughter of the petitioners 1 & 2 namely, Karthigai Selvi, who is aged about 12 years. Hence, he seeks for anticipatory bail.

5.The learned counsel for the defacto complainant and the learned Government Advocate (Crl. side) submitted that since the petitioners 1 to 3 are ready and willing to deposit a sum of Rs.15 lakhs in any one of the Nationalized Banks in Fixed Deposit in the name of the defacto complainant's child / Grand-daughter of the petitioners 1 & 2 namely, Karthigai Selvi, this Court may consider this petition.

6.Taking into consideration of the facts and circumstances of the case and also considering the that the petitioners, to show their bona fide, ready to deposit a sum of Rs.15 lakhs in any one of the Nationalized Banks in Fixed Deposit in the name of the defacto complainant's Child namely, Karthigai Selvi, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7.Accordingly, this Criminal Original Petition is Partly Allowed and the



CRL OP(MD) No.1169 of 2024

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petitioners 1 to 3 is ordered to be released on bail in the event of arrest or on their appearance, within a period of six weeks from the date on which the order copy made ready, before the Additional Mahila Court, Madurai, on condition that the petitioners 1 to 3 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 1 to 3 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)(i) the petitioners 1 to 3 shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) in any one of the Nationalized Banks in Fixed Deposit in the name of the defacto complainant's Child namely, Karthigai Selvi within a period of six weeks from the date of receipt of a copy of this order and thereafter, the petitioners 1 to 3 shall deposit further sum of Rs.5,00,000/- (Rupees Five Lakhs Only) in any one of the Nationalized Banks in Fixed Deposit in the name of the defacto complainant's Child namely, Karthigai Selvi within a period of six weeks.



CRL OP(MD) No.1169 of 2024

WEB COPY

(ii) the petitioners 1 to 3 shall make the first deposit before execution of sureties and shall make the second deposit thereafter;

[c] the petitioners 1 to 3 shall report before the respondent Police as and when and required for interrogation;

[d] the petitioners 1 to 3 shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 1 to 3 shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/01/2024

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/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD) No.1169 of 2024

TO

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1 THE JUDGE, ADDITIONAL MAHILA COURT, MADURAI.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION-SOUTH,
MADURAI CITY.

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

+1 CC to M/s.M.MAHARAJA, Advocate (SR-1195[I] dated 30/01/2024)

ORDER

IN

CRL OP(MD) No.1169 of 2024

Date :29/01/2024

RS/JGB/SAR-(01.02.2024) 6P 5C

Madurai Bench of Madras High Court is issuing
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