



No.4, Chinnakanamai

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.7854 and 7956 of 2024

1. Deivam

2. Loganayaki

... Petitioners/ A1 & A2
in Crl.O.P.(MD)No.7956 of 2024

3. Selvarani

4. Udhayan

5. Nithya

6. Arivalagan

7. Karpagaselvi

... Petitioners/ A3 to A7
in Crl.O.P.(MD)No.7854 of 2024

Vs

The Sub Inspector of Police,
Aundipatti Police Station (AWPS),
Theni District.
In Crime No.10 of 2024

... Respondent/ Complainant
in both petitions

Bhuvaneswari

...Intervener/ Defacto Complainant
in both cases



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For Petitioners (in CrI.O.P.(MD)No.7956 of 2024)
: M/s.Geethanjali
for Mr.A.Shiek Abdulla
Advocate.

For Petitioners (in CrI.O.P.(MD)No.7854 of 2024)
: M/s.Geethanjali
for M/s.Ajmal Associates
Advocate.

For Respondent (in both petitions)
: Mr.B.Thanga Aravindh,
Government Advocate (CrI.Side)

For Intervenor (in both petitions)
: Mr.M.Prabhu, Advocate

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.10 of 2024 on the file of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police in connection with Crime No.10 of 2024 for the offence under Sections 406, 294(B), 418, 506(1), 494 and 109 of IPC, have filed this petition seeking anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 22.08.2021. Due to matrimonial dispute,

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they were living separately for the past 13 years. Pending the divorce litigation, the first accused married the second accused with the help of the other accused persons. Hence, the case.

3.The learned counsel for the petitioners submits that the first accused has been living separately from the defacto complainant since 2011 and he has also filed an application for divorce in H.M.O.P.No.49 of 2011 and the same was also dismissed in the year 2019. Against which, he has also filed an appeal in C.M.A(MD)No.15 of 2019 before this Court and the same was also dismissed. Thereafter, he filed second appeal before this Court in C.M.S.A(MD)No.12 of 2022 and the same was also dismissed. However, the first accused has filed SLP (Civil).Dairy No.17227 of 2024 before the Hon'ble Supreme Court and the same is pending. She further submits that the first accused is in live in relationship with the second accused and he has not married the second accused. In this regard, she has also relied on the additional typed set of papers.

4.The learned counsel for the defacto complainant has raised serious objections that during the pendency of the divorce litigation, the first accused has married the second accused with the help of other accused.



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5.The learned Government Advocate (Crl. side) appearing for the respondent police opposes for grant of anticipatory bail on the ground that the investigation is yet to be completed.

6.Considering the facts and circumstances of the case and also the fact that there is a specific overt act against the first petitioner/ A1, this Court is not inclined to grant anticipatory bail to the first petitioner/ A1. Accordingly, this petition is dismissed as against the first petitioner/ A1.

7.Considering the nature of allegation made against the petitioners 2 to 7/ A2 to A7, this Court is inclined to grant anticipatory bail to the petitioners 2 to 7/ A2 to A7 with certain conditions.

8.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 to 7/ A2 to A7 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 Judicial Magistrate Court, Andipatti, Theni District, on condition that the petitioners 2 to 7/ A2 to A7 shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand) each with two sureties each for a like



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sum to the satisfaction of the learned Magistrate concerned, and on further conditions
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that:

(i)The petitioners 2 to 7/A2 to A7 and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(ii)The petitioners 2 to 7/A2 to A7 shall appear before the respondent police as and when required for interrogation.

(iii) The petitioners 2 to 7/A2 to A7 shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(iv)On violation of any of the above conditions by the petitioners 2 to 7/A2 to A7, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
07/06/2024

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/06/2024

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

sjj
TO

1. The Judicial Magistrate Court, Andipatti, Theni District.

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2. Do-Through The Chief Judicial Magistrate, Theni District.

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3. The Sub Inspector of Police,
Aundipatti Police Station (AWPS), Theni.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-6209[I] dated 07/06/2024)
+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate SR.26278 (F) DATED 10.06.2024
+2 CC TO MR.A.SHEIK ABDULLAH, Advocate SR.6210(I) 26279(F)

ORDER

IN

CRL OP(MD). Nos.7854 and 7956 of 2024

Date :07/06/2024

RK/GS (14/06/2024) 6P / 9C

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