



CRL OP(MD) No.15170 of 2023

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

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15170 of 2023

1 POORAMAR

2 LAKSHMANAPERUMAL

3 SELVAMUNEESWARI

4 SUNILKUMAR

... PETITIONERS / ACCUSED Nos.1 TO 4

Vs

1 INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.65 OF 2023.

... RESPONDENT/COMPLAINANT

2 INBAKANI

... 2nd RESPONDENT

(R2 IS SUO-MOTU IMPEADED AS PER ORDER
OF THE COURT DATED 21/08/2023 in CRL OP
(MD).15170 OF 2023)

For Petitioner : M/S.MICHEAL HELDON KUMAR.S, Advocate

For Respondent No.1 : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

For Respondent No.2 : No appearance



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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.65 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 498A, 506(ii) IPC and Sections 4 and 6 of Tamil Nadu Prohibition Act, in Crime No.65 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife and the petitioners demanded 15 sovereigns of gold to continue the matrimonial life and thereby, threatened the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The defacto complainant was married to the first petitioner on 11.07.2019. After that, they blessed with a female child. Thereafter, there was difference of opinion arose between them. Further, the first petitioner had filed a H.M.O.P.No.75 of 2022 on the file of the Sub Court, Muthukulathur, against the defacto complainant for restitution of conjugal rights



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and an ex parte order came to be passed on 12.04.2023. Only in order to harass these petitioners, the false complaint has been foisted. The first petitioner is ready to lead the matrimonial life with the defacto complainant.

4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant made a complaint on the ground that the first petitioner had illegal relationship with another women and demanded the defacto complainant for more dowry. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the defacto complainant lodged a complaint against these petitioners, after obtaining the order of restitution of conjugal rights by the first petitioner against the defacto complainant in H.M.O.P.No.75 of 2022 on the file of the Sub Court, Muthukulathur, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are is 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, Kamuthi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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 and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent Police as and when required for interrogation,;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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]*; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
02/01/2024

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/01/2024

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

INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15170 of 2023
Date :02/01/2024

SS/VR/SAR- /05/01/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023