



CRL OP(MD) No.23621 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23621 of 2023

1 S.RAJEEV KANNAN

2 R.VIMALA

3 K.SUBRAMANI

4 S.SELVI

5 KRISHNAVENI

... PETITIONERS/ ACCUSED 1 TO 5

Vs

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

CRIME NO.49 OF 2023. ... RESPONDENT/ COMPLAINANT

For Petitioner : MR.T.PALANISAMY, Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

For Intervener : MR.B.RAMANATHAN, Advocate



CRL OP(MD) No.23621 of 2023

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.49 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 494 and 109 of IPC, in Crime No.49 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the de-facto complainant was solemnized on 01.06.2011 and both were living joined together. Out of the wedlock, they have blessed with a girl child. Thereafter, there was a difference of opinion, the first petitioner filed a divorce petition and the same was dismissed before the trial Court. Similarly, the wife also filed a restitution of conjugal rights and the same was decreed. While being so, the first petitioner performed second marriage with A2. Thereby, the respondent police registered a case against the petitioners.



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3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and since the de-facto complainant refused to join with the first petitioner, he performed second marriage with A2 and they blessed with a male child and through the first marriage, he has one female child and now the first petitioner is taking care of his two children and therefore, he prays for anticipatory bail to the petitioners.

4.The learned counsel for the intervenor submitted that though the first marriage is in existence, the first petitioner performed second marriage without the knowledge and consent of the first wife, even after the dismissal of the divorce petition. He further submitted that the in-laws of the de-facto complainant also participated in the second marriage and hence, he prayed for dismissal of this petition.

5.The learned Government Advocate (Crl. side) submitted that investigation is pending.

6.It appears that though the first marriage is in existence, the first petitioner



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performed second marriage even after dismissal of the divorce petition, which is not sustainable one. Further, the parents of the first petitioner and in-laws of the de-facto complainant also participated in the second marriage in order to deprive the rights of the first wife, which is a heinous one and hence, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
08/01/2024

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

SJI

TO

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

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



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+1 CC to M/s.T.PALANISAMY, Advocate (SR-381[I] dated 09/01/2024)

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ORDER
IN

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Date :08/01/2024

RK/DD (11/01/2024) 5P / 4C

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