

In the Court of the Principal District Judge, Madurai

Present: **Thiru M.Balakumar, B.A., M.L.,**
V Additional District Judge, Madurai
Principal District Judge, Madurai (i/c)

Friday the 29th day of May 2020

Crl.M.P.No.2605/2020

1.Balamurugan
S/o Muthaiya
2.Muthaiya
S/o Natichiyappan
3.Poongothai
W/o Muthaiya
4.Jayasri
W/o Rama Baskar

-----petitioners/Accused

/ Vs /

State through the Inspector of Police,
A.W.P.S., Melur in crime no.4/2019

... Respondent/Complainant

This petition is received today from the Principal District Court, Madurai as per the proceedings in A.No.90/2020 dt.19.5.2020 issued in furtherance of the instructions and advisories issued by the Hon'ble High Court for limited functioning of courts due to the spread of COVID 19 virus and taken up today for hearing at request through e-mail / e-petition and after hearing the arguments of Thiru P.Kumar Counsel for the petitioners and of Thiru M.Tamil Chelvan, Public Prosecutor for the State over conference call, this court passed the following

ORDER

Due to national lock down for COVID-19 virus pandemic, as a result of prohibitory order u/s 144 of Cr.p.c. has been promulgated by the Government of Tamilnadu since 25.3.2020 and in turn regular work of the subordinate judiciary has been advised to attend through Video conference call by the Hon'ble High Court of Madras till 31.5.2020. Whereas exceptions have been granted to attend urgent works like bail depending upon the facts and circumstances of the case and also the nature of emergency.

1. Anticipatory Bail application u/s 438 of Cr.p.c.
2. The offences alleged are 498(A),294(b),109 of I.P.C., 4 of dowry prohibition Act 1961 and 4 of TN Prohibition of Harassment of Women Act 2002.
3. **Heard both side through Conference call.**
4. The learned counsel for the petitioner submit that the petitioners apprehend arrest by the police, they have been falsely implicated in this case and prays to grant anticipatory bail to them. The petitioner counsel submitted that A1 is husband of the defacto complainant A2 and A4 are in laws of the defacto complainant and the divorce case was filed by the A1 against the defacto complainant and which was dismissed by the Sub Court Melur and now the appeal filed against the said order before the I Additional District Court, Madurai and the same is pending to counter the same this false complaint was given against the petitioners and that to one of the relative also included in this case who was not residing in India and residing at Singapore, hence this petitioners have to be granted anticipatory bail. Per contra the learned PP submitted in reply argument that the offence u/s498(A) IPC and 4 of TNPWH Act which is a continuing offence, the

marriage took place on 15.09.2016 and now the tortured the defacto complainant by suspecting the paternity of the child born to the A1 and defacto complainant and further the defacto complainant was subjected to cruelty even at the time of pregnancy by compelling her to do all the house hold activities and strongly objected to grant anticipatory bail.

Considering the strong objection raised by the learned PP this Court is not inclined to grant anticipatory bail to the petitioners and this petition is dismissed accordingly.

5. In the result, this petition is dismissed.

Pronounced by me on the 29th day of May - 2020.

Sd.M. Balakumar
V Additional District Judge, Madurai
Principal District Judge, Madurai.(i/c)

Copy to

1. The Inspector of Police A.W.P.S Melur.,
2. The Judicial Magistrate concerned
3. The petitioners through their counsel