



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

Thursday, the Seventh day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3426 of 2019

1 SHEELA,  
2 ANBAZHAGAN,  
3 VEDIMUTHU,  
4 NALLUTHEVAR,  
5 RAMAYEE,  
6 PASUPATHI,  
7 CHITRA,  
8 PANDI,  
9 JEYARAJ,

... PETITIONERS / ACCUSED

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
BATLAGUNDU POLICE STATION,  
DINIDUL DISTRICT.  
(CRIME.NO.286/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.K.SAMY Advocate

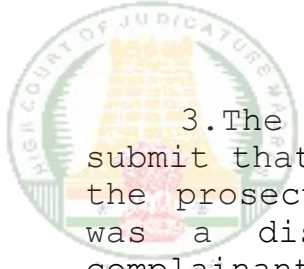
For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate  
( Crl. Side)

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

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 294(b), 506 (2), 323, 347, 454 and 420 of IPC in Cr.No.286 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the husband of the first petitioner. The marriage was solemnized between the first petitioner and the defacto complainant in the year 30.03.2015. Due to dowry harassment, the first petitioner left the matrimonial home and filed a divorce petition. Suppressing the earlier marriage, the first petitioner performed another marriage, for which, the defacto complainant/husband filed a complaint before the respondent police.



3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that after marriage, there was a dispute between the first petitioner and the defacto complainant, due to which, the first petitioner left the matrimonial home and filed a dowry harassment complaint before the All Woman Police Station, Usilampatti. Thereafter, defacto complainant filed a maintenance petition before the concerned Court and obtained an exparte order on 20.09.2018. Thereafter, A1 filed I.A petition to set aside the exparte order. After the exparte order, the first petitioner married another man A2, in which, the defacto complainant filed a complaint before the respondent police. The first petitioner's marriage was legally permissible. The first petitioner and defacto complainant entered compromises for consent divorce.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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, Batlagundu, on condition that the petitioners 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 and on further condition that:

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

(b)the petitioners shall report before the respondent police as and when required for interrogation;

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

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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;



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

sd/-  
07/03/2019

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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,  
BATLAGUNDU.
- 2 THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL.
- 3 THE INSPECTOR OF POLICE,  
BATLAGUNDU POLICE STATION, DINIDUL DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.K.SAMY Advocate SR.No.4427

PS/JC/SAR-4/13.03.2019/2P/6C

ORDER  
IN  
CRL OP(MD) No.3426 of 2019  
Date :07/03/2019