



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

Monday, the Fifteenth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5579 of 2019

TAMILARASAN,

... PETITIONER / ACCUSED NO.5

Vs

1 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
SIVAGANGAI.

(CRIME.NO.2/2019)

2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, THIRUPPATHUR,  
SIVAGANGAI DISTRICT.

(CRIME.NO. NOT KNOWN OF 2019)

... RESPONDENTS / COMPLAINANT

For Petitioner : Mr.R.GANDHI Advocate

For Respondents : Mr.K.SUYAMBULINGA BHRATHI Govt. Advocate

( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 406, 323 IPC and Section 4 of Prohibition of Harassment of Women Act and Section 4 of Dowry Prohibition Act in Cr.No.4 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 23.11.2017 the defacto complainant married one Deepan, in the presence of elders and relatives of both the families at Sivan Kovil, Sivagangai. After the marriage, she and her husband had led a matrimonial life. Thereafter, she was subjected to harassment and ill treatment by her husband and his family members. Thereafter, she went to Chennai along with her husband and lived therein. At that time, her in-laws induced her husband to harass her over phone. Her husband and the petitioner said to have threatened her with dire consequences. Hence, this complaint is lodged.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he



has nothing to do with the alleged offence. The co-accused persons have got anticipatory bail from this Court.

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

5.Considering the facts and circumstances of the case and considering the fact that the co-accused got anticipatory bail from this Court, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirupathur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m.,until further orders;

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

(d)the petitioner 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/-

15/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,  
THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI.

3 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
SIVAGANGAI.

4 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, THIRUPPATHUR,  
SIVAGANGAI DISTRICT.

5 ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.R.GANDHI Advocate SR.No.6863

PS/MMS/SAR-4/22.04.2019/3P/7C

ORDER

IN

CRL OP (MD) No.5579 of 2019

Date :15/04/2019