



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

Monday, the Eleventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.21928 of 2018

1.MOHANKUMAR,
2 ANANDAJOTHI,

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
(IN CRIME NO.NOT KNOWN OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.V.SELVA 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 offences under Section 498(A) of IPC, Section 4 of Dowry Prohibition Act and Section 4 of Tamiladu Prohibition of Women Harassment Act, in Cr.No.2 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage of the A1 and the defacto complainant was solemnised on 17.08.2018, thereafter the petitioner along with other accused persons demanding more money and caused cruelty to the defacto complainant and driven out her from the matrimonial home. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the case was registered in Crime No.2 of



2019 for the offences punishable under Sections 498(A) of IPC, Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act and the investigation is still pending.

5. Considering the facts and circumstances of this case and since there are no serious allegations against the second petitioner, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that the second petitioner 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 second petitioner 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 second petitioner shall report before the respondent police as and when required for interrogation;

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

(d) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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.

6. Since there are serious allegations levelled against the first petitioner, this Criminal Original Petition is dismissed in respect of first petitioner/A1.

sd/-

11/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. II,
SRIVILLIPUTHUR.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR AT VIRUDHUNAGAR DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP (MD) No. 21928 of 2018

Date : 11/02/2019

AE/JC/SAR-II/20.02.2019/3P/5C