



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

Date : 07/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8284 of 2020

1.Ramanathan
2.Mahalingam
3.Theivanai

... Petitioners/Accused
Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
KARAIKUDI,
Sivagangai District.
Crime No.3/2020.

... Respondent/Complainant

For Petitioners : M/s.D.Rameshkumar,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.3 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) and 406 of IPC, in Crime No.3 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are husband and wife and their marriage took place in the year 2019 and thereafter, there was a family dispute between them, the defacto complainant has demanded a separate house and the petitioner said to have arranged. Even, thereafter, the petitioner not treated the defacto complainant properly and hence, she left the matrimonial home and residing with her maternal uncle. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side).



4. The learned counsel appearing for the petitioners would submit that due to small family dispute between the petitioners and the defacto complainant, the defacto complainant has lodged this false complainant against the petitioner. He would further submit that he has not committed an offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that now the defacto complainant is residing in her maternal uncle home and HMOP is pending between the parties.

6. Considering the facts and circumstances of the case and on perusal of the First Information Report, there is no harassment demanding dowry, and considering the fact that HMOP is also pending between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to 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 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 petitioners 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



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

sd/-
07/08/2020

WEB COPY

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8284 of 2020
Date : 07/08/2020

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TK/AKM/SAR.2/14.08.2020/3P/5C