



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

Date : 29/10/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)Nos. 9346 & 9357 of 2020

G.HANISH KANTH RAJA

... PETITIONER/ACCUSED No.1
IN CRL OP(MD)No.9346/2020

1. V.GANESARAJA

2. G.RAJA SUMATHI

... PETITIONERS/ACCUSED No.2&3
IN CRL OP(MD)No.9357/2020

Vs

1 THE STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUPPARANKUNDRAM,
MADURAI DISTRICT.
(CRIME NO. 16 OF 2020)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

2 SHARMILI

... RESPONDENT/DEFACTO COMPLAINANT
IN BOTH THE PETITIONS

[R2 SUO MOTU IMPEADED AS PER ORDER OF
THIS COURT DATED 04.09.2020 IN CRL OP(MD)
Nos.9346 & 9357 of 2020]

In both Crl.OPs.

For Petitioners : M/s.R.Gandhi,
Advocate.

For R-1 : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

COMMON PRAYER :- For Anticipatory Bail in Crime No. 16 of 2020 on
the file of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners/A-1 to A-3 apprehending arrest at the hands of
the respondent police for the offences punishable under sections
498A and 406 of IPC, in Crime No.16 of 2020 on the file of the
respondent police, seek anticipatory bail.

<https://hccs.courts.myservices.in/>



2. The case of the prosecution is that the second respondent is wife of A-1. The petitioners herein said to have harassed and ill-treated the second respondent and demanded huge dowry and also driven out from her matrimonial home. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and the entire allegation made against the petitioners are false and made with an intention to harass the petitioners. He further submitted that the petitioners have not demanded any jewels from the second respondent and she only voluntarily left the matrimonial home without informing A-1. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that matrimonial dispute is pending between the parties.

6. Considering the fact and circumstances of the case and considering the fact that matrimonial dispute is pending between the parties and the gravity of offence, 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 two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Madurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

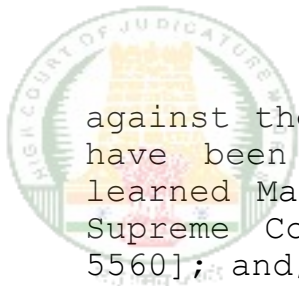
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear 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 or the Additional 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 5560]; and;

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

sd/-
29/10/2020

/ TRUE COPY /

/ /2020
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 JUDGE,
ADDITIONAL MAHILA COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPARANKUNDRAM, MADURAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.R.GANDHI, Advocate SR.No.7216 & 7217

COMMON ORDER
IN
CRL OP(MD)Nos. 9346
& 9357 of 2020
Date :29/10/2020

ksa
JM/PN/SAR IV/04.11.2020/3P/6C