



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2020

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PRESENT

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

CRL OP(MD). No.11304 of 2020

1. Panneerselvam
2. Shanmugaraja

... Petitioners/Accused Nos.3&4

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Aranthangi, Pudukkottai District.
(Crime No.13 of 2020).

... Respondent/Complainant

For Petitioners: M/s.M.Anbarasan,
Advocate.

For Respondent : Mrs.M.Anandhadevi,
Government Advocate (Criminal Side)

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

PRAYER :-

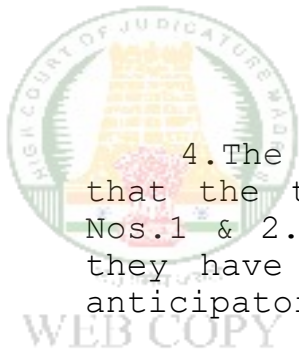
For Anticipatory Bail in Crime No.13 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners are the apprehending arrest at the hands of the respondent police for the offences punishable under sections 294 (b), 323, 498 (A), 506 (ii) of IPC r/w Section 4 of Dowry Prohibition Act, 1961 and Section 4 of Prohibition of Harassment of Women Act, 2002, in Crime No.13 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons demanded more dowry from the defacto complainant and the same was refused by her, the petitioners assaulted the defacto complainant and criminally intimidated her. Hence, the complaint.

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



4.The learned counsel appearing for the petitioners submitted that the the petitioners are the closed relatives of the accused Nos.1 & 2. He further submitted that they are innocent persons and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal Side), on instructions, submitted that the petitioners are arrayed as A3 & A4. The petitioners along with other accused persons demanded more dowry from the defacto complainant and the same was refused by her, the petitioners assaulted the defacto complainant and criminally intimidated her. Hence, he opposed to grant anticipatory bail to the petitioners.

6.Considering the fact and circumstances of the case and considering the fact that the petitioners are only close relatives of A1 & A2, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi, 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 petitioner in accordance with law as if the conditions have been imposed and the 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/10/2020

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/ /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 JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11304 of 2020
Date :14/10/2020

DSS
SRS/ AKM/SAR-II/ 16.10.2020/ 3P/5C