



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

Date : 08/12/2020

PRESENT

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

**CRL OP(MD) . No.14288 of 2020**

1.Prabhu Eswaran  
2.Sivasankara Moorthi  
3.Mariyammal  
4.Senthil Murugan

... Petitioners/Accused No.1 to 4

Vs

The State Rep.by,  
The Inspector of Police,  
All Women Police Station,  
Kamuthi,  
Ramnad District.  
Crime No. 5 of 2020.

... Respondent/Complainant

For Petitioners : Mr.A.Uthayakumar,  
Advocate.

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

For Intervener : Mr.G.Thalaimutharasu  
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2020 on the file of the  
Respondent Police

ORDER : The Court made the following order :-

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

2.The petitioners apprehending arrest at the hands of the  
respondent police for the offences punishable under sections 294(b),  
498(A), 323 and 506(i) of I.P.C. and Section 4 of Dowry Prohibition  
Act, 1961, in Crime No.5 of 2020 on the file of the respondent  
police, seek anticipatory bail.

3.The case of the prosecution is that there is a dispute  
between the first petitioner and the defacto complainant regarding

<https://hcservices.ecourts.gov.in/hcservices/>



partition. Hence, the petitioners demanded additional dowry from the defacto complainant. Hence, the complaint.

4. The learned counsel for the petitioners submitted that the first petitioner and the defacto complainant are leading their matrimonial life peacefully. The defacto complainant is only insisting the first petitioner to get the joint family property. The petitioners did not commit any offence as alleged by the prosecution.

5. The learned counsel appearing for the intervener submitted that the injury sustained by the defacto complainant is very serious. Hence, he prays this Court to dismiss the anticipatory bail petition filed by the petitioners.

6. The learned Government Advocate (Crl. Side) submitted that the defacto complainant has discharged from the hospital.

7. Considering the facts and circumstances of the case and the fact that the defacto complainant discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Kamuthi, Ramnad District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties 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:

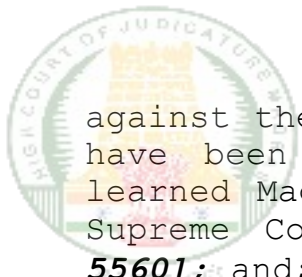
(a) The petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation. The petitioners 2 to 4 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 or the District 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;

WEB COPY

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

sd/-  
08/12/2020

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

ORDER  
IN  
CRL OP(MD) No.14288 of 2020  
Date :08/12/2020

IAS  
PK/SMA/SAR-IV/11.12.2020 : 3P/5C