



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18829 of 2021

1.MUNIYAMMAL
2.SURESH
3.CHINNASAMY
4.NAGARAJ

[PETITIONERS]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATHUR,
THIRUPATHUR DISTRICT.
(CRIME NO.12 OF 2021)

[RESPONDENT]

For Petitioner :M/S.E.KANNADASAN Advocate

For Respondent : MR.C.E.PRATAP, 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 for the alleged offence under Sections 294(b), 498(A), 494, 506(i) of IPC and Section 4 of Dowry Prohibition Act in Cr.No.12 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are family members and relatives. The accused A1 and the de-facto complainant are husband and wife and their marriage was solemnized in the year 2005. Due to the wedlock, they were blessed with two children. Thereafter, the petitioners along with accused A1 continuously abused the de-facto complainant in filthy language and demanded huge dowry from her. When the same was denied by the de-facto complainant, she was chased away from the matrimonial house. In these circumstances, the accused A1 is alleged to have married another person while the first marriage is in subsistence and the petitioners were alleged to have involved in it. Hence, based on the complaint lodged by the de-facto complainant, the respondent police registered a case against the petitioners.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and the de-facto complainant left the matrimonial home on her own volition. He further submitted that the de-facto complainant refused for reunion with the accused A1. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners abused the de-facto complainant and demanded huge sum of money for sending the accused A1 to abroad. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the petitioners are only family members and relatives of the de-facto complainant and there is no serious allegation made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Thirupathur, Thirupathur District, on condition that the petitioners shall execute the 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. For a period of two weeks and thereafter, 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 5560]; and;



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

WEB COPY

-sd/-
07/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUPATHUR, THIRUPATHUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATHUR,
THIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.11165

CRL OP.18829/2021

Date :07/10/2021

CSK 26/10/2021