



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19036 of 2021

1 KAPILAN

[PETITIONERS / ACCUSED]

2 KALPANA

3 PRIYADHARSINI

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANNARGUDI,
THIRUVARUR DISTRICT.
CR.NO.08 OF 2021.

For Petitioner : M/S. SWAMISUBRAMANIAN Advocate

For Respondent : M/S. 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 offences under sections 294(b), 354, 498(A) and 506(i) of I.P.C and in section.4 of TNPHW Act 2002, in Crime No.08 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of A1. It is alleged that the petitioners committed cruelty to the defacto complainant by demanding more dowry. It is further alleged that A1 attacked the defacto complainant and threatened her with dire consequences. Hence the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that there are no previous cases pending against the petitioners. However, he vehemently opposed grant of anticipatory bail to the petitioners.

5. Considering the nature of offence committed by A1, this Court is not inclined to grant anticipatory bail to A1. However, no serious allegations made against A2 & A3, this Court inclined to grant anticipatory bail to A2& A3.

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.I Mannargudi, Thiruvarur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 shall affix his 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

08/10/2021

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.I,
MANNARGUDI, TIRUVARUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANNARGUDI, THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.No.11320

CRL OP.19036/2021

Date :08/10/2021

APN 27/10/2021