



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25230 of 2021

1. C.Manikandan
2. S.P.Chinnasamy
3. Sathiyavani

...Petitioners

Versus

The State rep by its
The Inspector of Police,
All Women Police Station, Mettur,
Mettur Dam 636 401,
Salem District.
(Crime No.11 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.11 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Senthilkumar

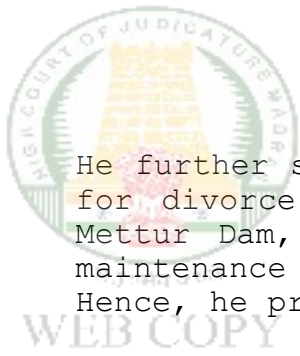
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 342, 498(A), 417, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act 1988, in Crime No.11 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner had married the defacto complainant. Further, the petitioners had abused the defacto complainant in filthy language and harassed her and also demanded dowry from the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that there was some misunderstanding between them.



He further submitted that the first petitioner had filed the petition for divorce in HMOP.No.123 of 2019 on the file of the Sub Court, Mettur Dam, Salem District and the defacto complainant has filed a maintenance case in M.C.No.15 of 2019 and the cases are pending. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners had harassed the defacto complainant and also demanded dowry from her. He further submitted that the investigation is almost completed and there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, family dispute already pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Mettur, Salem District, on condition that the petitioners shall execute a separate 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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the first petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



(f) 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;

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

-sd/-

22/12/2021

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, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, METTUR DAM-636401,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary charges SR.NO.15367

CRL OP.25230/2021

Date :22/12/2021

CSK 03/01/2022