



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.09.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) Nos.87 and 97 of 2021

S.SELVAKUMAR

... PETITIONER/ACCUSED No.1
IN CRL OP(MD) No.87/2021

1 SAKTHIVEL

2 BAGAVATHI PANDIYAMMAL

3 KRISHNAN MENAN

...PETITIONERS/ACCUSED No.2 to 4
IN CRL OP(MD) No.97/2021

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
THALLAKULAM ALL WOMEN POLICE STATION,
MADURAI CITY.
CRIME NO.70 OF 2020.

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

In both petitions:

For Petitioners: MR.K.SIVABALAN,
Advocate.

For Respondent : MR.T.SENTHIL KUMAR,
Government Advocate(crl.side)

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

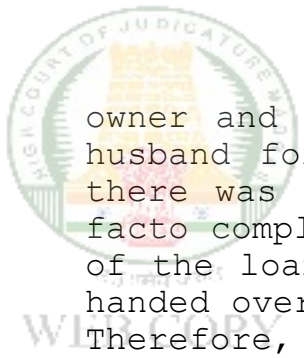
COMMON PRAYER :-

For Anticipatory Bail in Crime No.70 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A4 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A) and 506(i) IPC in Crime No.70 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the husband and A2 to A4 are in-laws of the de-facto complainant. The marriage between A1 and the de-facto complainant was solemnized on 26.02.2020. During the marriage, the parents of the de-facto complainant gifted five sovereigns of gold jewels, house hold articles worth about Rs.2,00,000/- and a Platina Bike worth about Rs.67,449/- as dowry. Before Marriage, the de-facto complainant had taken loan from her



owner and her friends for a sum of Rs.3,15,000/- and given to her husband for the purpose of marriage expenses. After the marriage, there was a misunderstanding between the husband and wife, the de-facto complainant filed a divorce petition and she is in requirement of the loan amount of Rs.3,15,000/-, which was borrowed by her and handed over to her husband. But, A1 refused to give the said amount. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court(JM Level), Madurai, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(c)the petitioners shall not tamper with the 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/09/2021

/ TRUE COPY /

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/ /2021

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 ADDITIONAL MAHILA JUDGE (JM LEVEL),
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THALLAKULAM ALL WOMEN POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.K.SIVABALAN, Advocate SR.No.6453(Crl OP(MD).87/2021)

+1. CC to Mr.K.SIVABALAN, Advocate SR.No.6454(Crl OP(MD).97/2021)

ORDER

IN

CRL OP(MD) Nos.87 & 97 of 2021
Date :20/09/2021

SA/JM/SAR.4/26.10.2021/3P/7C