



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.229 of 2021

1. K.Ramesh Kannah
2. K.Thilagavathi
3. C.Karuppaiah
4. K.Varija
5. C.Malmurugan

... Petitioners/Accused Nos.1 to 5

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Pudukkottai Town,
Pudukkottai District.
(Crime No.20/2020).

... Respondent/Complainant

For Petitioners : Mr.Sethuraman.RMS,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.20/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 323,294(b), 506(i) of IPC and Section 4 of D.P.Act,1961 seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein tortured the defacto complainant demanding more dowry and started harassing her and also criminally intimidated her. Hence the complaint



3. On 11.03.2021 it was represented that the first petitioner is willing to take the defacto complainant and the case was posted on 16.03.2021 for the appearance of the first petitioner and the defacto complainant. On 16.03.2021 the first petitioner and the defacto complainant present and they were enquired. At that time the defacto complainant was five month pregnant and she is willing to join the matrimonial home. Now the first petitioner changed his mind set and making wild allegations questioning the paternity of the womb. Further he was aggressive in making allegations against the defacto complainant stating that she will be always in the social media and she used to delete the same immediately and there is no records available to him to show her conduct. He further questioned the paternity of the child for the simple reason that immediately after the marriage she become pregnant. The sister of the first petitioner who is doctor has to clarify the same and give proper advice to his brother, on the other hand she had kept quite and fueled the speculation of the first petitioner. The first petitioner doubting the pregnancy made harassment and continue the cruelty, though the fourth petitioner ought to have taken steps to clear out the doubts for some obvious reasons she had kept quiet.

4. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioners 2 to 5 are the in-laws of the defacto complainant this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions.

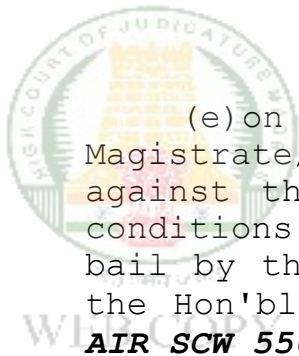
5. Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Pudukottai District on condition that the petitioners 2 to 5 shall execute a 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 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 2 to 5 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 petitioners 2 to 5 shall report before the respondent police as and when required for interrogation.

(c) the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 5 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 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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.

7. As regards the first petitioner, since there are specific allegations against him, this petition stands dismissed.

sd/-
29/03/2021

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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 JUDGE,
ADDITIONAL MAHILA COURT, PUDUKOTTAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI TOWN, PUDUKKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RMS.SETHURAMAN, Advocate (SR-2682[I] dated 29/03/2021)

ORDER
IN
CRL OP(MD) No.229 of 2021
Date : 29/03/2021

AAV
AE/SMA/ (31/03/2021) 3P / 5C