



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.1159 of 2021

WEB COPY

1.P.Maruthu Pandi
2.A.Pitchaiammal
3.Maithili
4.P.Porselvi
5.Palpandi

... Petitioners/Accused

Vs

The State Rep.by,
The Sub-Inspector of Police,
Virudhunagar All Women Police Station,
Virudhunagar District.
(Crime No.2/2021

... Respondent/Complainant

For Petitioner : Mr.K.Muthu Ganesa Pandian
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

For Intervenor : No Appearance

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
498(A), 294(b) and 506(1) IPC, in Crime No.2 of 2021 on the file of
the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is
the husband, who is working as a Guard in Southern Railways
Department and other petitioners are in-laws of the de-facto
complainant. The allegation against the petitioners is that they
have demanded additional dowry and harassed her. Hence, the



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. He further submits that the first petitioner also filed a restitution of conjugal rights petition in HMOP No.40 of 2021 before the Family Court, Madurai and the same is still pending.

4.The learned Government Advocate (Crl. Side) for the respondent submits that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is 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 Judicial Magistrate Court No.II, Virudhunagar District, condition that the petitioners 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 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 first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioners 2 to 5 shall report before the respondent police as and when required for interrogation.

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

WEB COPY

sd/-
08/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 JUDICIAL MAGISTRATE COURT NO II,
VIRUDHUNAGAR DISTRICT.
- 2.DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTTUR.
- 3.THE SUB INSPECTOR OF POLICE,
VIRUDHUNAGAR ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1159 of 2021
Date :08/09/2021

RK/SKN/SAR-III (23.09.2021) 3P 5C