



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2012 of 2021

1. Samayan
2. Panchavarnam
3. Muthukuar
4. Karthikeyan

... Petitioners/Accused No.2 to 5

Vs

- 1.State through,
The Inspector of Police,
All Women Police Station,
Thirupparankundram
in Crime No.29 of 2020,
Madurai-5.

... 1st Respondent

2. Pandiselvi

... 2nd Respondent/ Defacto Complainant

For Petitioners : Mr.S.Alagarsamy,
Advocate.

For Respondent-1 : 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.29/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) and 294(b) of I.P.C. and Section 4 of Dowry Prohibition Act, 1961,



in Crime No.29 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the accused persons are jointly harassing the defacto complainant and also not maintaining her as well as her child. Hence, the complaint.

4. The learned counsel for the petitioners submitted that the marriage between the first accused and the defacto complainant was solemnized on 16.06.2017. It was a love marriage. They were blessed with one female child. Since the petitioner belongs to Scheduled Caste and the defacto complainant is an educated person, the parents of the defacto complainant wanted to separate them and to spoil the life of the first accused. Hence, first accused filed H.M.O.P.No.1303 of 2019 before the Family Court, Madurai, for dissolution of the marriage. The petitioners herein did not commit any offence. Hence, they seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) states that the petitioners herein are only in-laws of the defacto complainant. A1 was arrested and released on bail on 11.01.2021.

6. In the view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate/Mahila Court, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety 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:

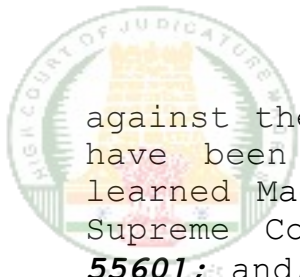
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 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/Judicial 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;

WEB COPY

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

sd/-
10/02/2021

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE/MAHILA COURT, MADURAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUPPARANKUNDRAM,
MADURAI-5.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.ALAGARSAMY, Advocate SR.No.896

ORDER
IN
CRL OP(MD) No.2012 of 2021
Date :10/02/2021

IAS
PK/PN/SAR-I/15.02.2021 : 3P/6C