



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

Date : 27/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.3717 of 2021

1. Venkatesan
2. Ammani @ Ammani Ammal
3. Seethalakshmi ... Petitioners/Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Manapparai,Trichy District.
Crime No.3/2021. ... Respondent/Complainant

For Petitioners: Mr.T.Lenin Kumar.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

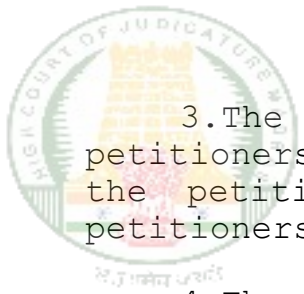
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.3 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 offences punishable under sections 498(A), 294(b), 323 and 506(i) I.P.C., in Crime No.3 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the first petitioner was celebrated on 21.08.2020. After marriage,the accused said to have demanded 15 sovereigns of gold from the defacto complainant and also stated that if the first accused is married to some other girl, they would have provided 50 sovereigns of gold and Car, not only that the accused had scolded with filthy language and physically attacked the defacto complainant. On 30.01.2021 at about 03.30 p.m, the accused persons said to have hit the defacto complainant repeatedly and criminally intimidated her. The defacto complainant was three months pregnant at the time of this occurrence and she was taking treatment in the hospital for one injuries.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and a false case has been foisted against the petitioners. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that as a result of attack, the defacto complaint suffered miscarriage.

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

6.Considering the facts and circumstances of the case and also the fact that due to demand of dowry, the defacto complainant was physically assaulted by the accused persons, especially by the first petitioner/husband, this Court is not inclined to grant anticipatory bail to the first petitioner/husband. However, considering the fact that the second petitioner is the mother and the third petitioner is the sister of the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3.

7.In view of the above, these petitions are allowed in part. Anticipatory bail in respect of the first petitioner is dismissed and in respect of petitioners 2 and 3, is granted.

8.Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Manapparai, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate and on further condition that:

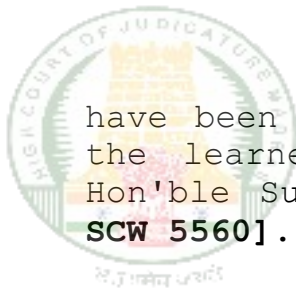
[a] the petitioners 2 and 3 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

[c]the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 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]**.

[f] If the accused/petitioners 2 and 3 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/04/2021

/ 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, MANAPPARAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3439[I] dated 28/04/2021)

ORDER
IN
CRL OP(MD) No.3717 of 2021
Date :27/04/2021

MSA
MS/PN/SAR-2/12.05.2021/3P.6C