



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 03.08.2021

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PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD)No.4207 of 2021**

1.Balaguru  
2.Shenbagavalli

... Petitioners/Accused No 1 and 2

Vs

The State Represented by  
The Inspector of Police,  
All Women Police Station,  
Virudhunagar,  
Virudhunagar District.  
In Crime No.5 of 2021.

... Respondent/Complainant

For Petitioners: Mr.M.Prabu,  
Advocate.

For Respondent : Mr.P.Kottai Chamy,  
Government Advocate(Crl. side)

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

**PRAYER :-**

For Anticipatory Bail in Crime no.5 of 2021 on the file of the respondent Police.

**ORDER :** The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A and 506(1) of IPC in Crime No.5 of 2021, seek anticipatory bail.

2. The first petitioner is the husband and second petitioner is the sister-in-law of the defacto complainant.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The learned counsel for the petitioners submitted that the marriage between the first petitioner and the defacto complainant was solemnized on 22.11.2001 and there was misunderstanding between the first petitioner and the defacto complainant, for which, she lodged a complaint in the year 2002. However, thereafter, the issue was settled amicably and she was living with the first petitioner. After nine long years, the subsequent complaint has been lodged as if these petitioners are harassing the defacto complainant for want of dowry. According to the learned counsel for the petitioners, the second petitioner is a widow and she is now depending upon the first petitioner.

4. The learned Government Advocate (Criminal Side), opposed this petition on the ground that investigation is pending.

5. Considering the nature of offence and the fact that it is a matrimonial dispute, this Court is inclined to grant Anticipatory Bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Virudhunagar on 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 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 first petitioner shall report before respondent Police daily at 10.30 am, until further orders. The second petitioner shall report before the respondent Police as and when required, until further orders.

[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/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



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
03/08/2021

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

ORDER  
IN  
CRL OP(MD) No.4207 of 2021  
Date :03/08/2021

SS/VR/SAR-IV/06.08.2021 : 3P/5C