



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.4899 of 2021

Muniyasamy ... Petitioner/Accused No.1

Vs

The State through
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
(Under Crime No. 02 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Laxman.K.R.,
Advocate.

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

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

PRAYER :-

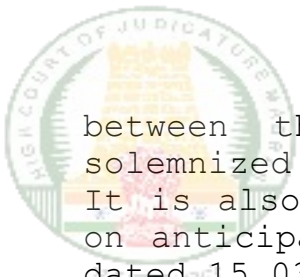
For Anticipatory Bail in Crime No.02 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Tamil Nadu Dowry Prohibition Act, in Cr.No.2 of 2021, on the file of the respondent police seeks anticipatory bail.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

3. It is seen from the submissions that there was a demand of dowry and in failing to provide dowry, there was a quarrel and harassment. There is also a mention about the fact that one Pandiammal was married to the petitioner as his second wife on 25.12.2020. However, this FIR is not registered under the relevant provision for committing the offence of bigamy. The marriage



between the petitioner and the defacto complainant had been solemnized on 02.03.2007 and this complaint was given on 25.02.2021. It is also submitted that the co-accused has already been released on anticipatory bail by this Court in Crl.O.P.(MD)No.3962 of 2021, dated 15.03.2021.

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4. Considering the fact that the dispute involved in this case is a marital dispute and also the fact the co-accused had already been released on anticipatory bail by this Court in Crl.O.P.(MD) No.3962 of 2021, dated 15.03.2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Muthukulathur, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 petitioner 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 petitioner shall report before the respondent police daily at 10.00a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

sd/-

16.04.2021

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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, MUTHUKULATHUR,
RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPUARM DISTRICT
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI,
RAMANATHAPUARM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-3173[I] dated 17/04/2021)

ORDER
IN
CRL OP(MD) No.4899 of 2021

Date : 16/04/2021

VB/PN/SAR-II (20/04/2021) 3P / 6c