



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5132 of 2021

Rajkumar ... Petitioner/Accused No.A1

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Keeranur,Pudukottai District.

Cr. No.4/2021

... Respondent/Complainant

For Petitioner : M/s.Palaniyandi.Na.,
Advocate.

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

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

PRAYER :-

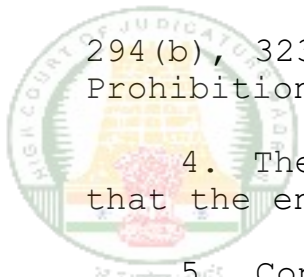
For anticipatory bail in crime No. 4/2021 on the file of the
Respondent Police

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 294(b),
323, 498(A) and 506(i)IPC r/w Section 4 of Tamil Nadu Dowry
Prohibition Act, in Cr.No.4 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 the defacto complainant
is the wife of A.1 and A.2 is the mother of A.1 and A.3 is the
sister of A.1. It is alleged in the complaint that the defacto
complainant had one male child through her marital life and the
accused were torturing the defacto complainant by demanding dowry
and abused with filthy language. It appears that the defacto
complainant had also filed H.C.P.(MD)No.510 of 2021 for custody of
the child before this Court and the same was also allowed by giving
custody of the child to the defacto complainant. When this being
so, this case came to be registered for the offences under Sections



294(b), 323, 498(A) and 506(i)IPC r/w Section 4 of Tamil Nadu Dowry Prohibition Act.

4. The learned Counsel appearing for the State would submit that the enquiry by Social Welfare Board is pending.

5. Considering the fact that this is a matrimonial dispute between the wife on one side and her husband, her mother-in-law and her sister-in-law on the other side. Sending the accused to prison will further escalate the tension brewing between the parties. Taking note of the said aspect, 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, Keeranur, Pudukkottai 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.

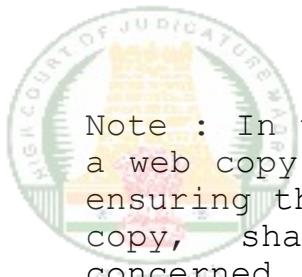
sd/-

08/04/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE
KEERANUR, PUDUKOTTAI DIST
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DIST
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KEERANUR,
PUDUKOTTAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PALANIYANDI.NA. Advocate SR.No.3011

ORDER

IN

CRL OP(MD) No.5132 of 2021

Date :08/04/2021

SMA/PN/SAR-2/17/04/2021/3P/6C