



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

Thursday, the Sixth day of May Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP (MD) . No.6513 of 2021

1. N.R. Austin Raja
 2. K.N.Raja
 3. R.Daisy
 4. N.R.Belston Raja
 5. N.R.Livingston Raja
- ... Petitioners/Accused No.1 to 5

Vs

The State of Tamil Nadu,
The Inspector of Police,
All Women Police Station,
Colachel, Kanniyakumari District.
Cr.No.Unknown/2021

... Respondent/Complainant

For Petitioners: M/s. Appaji.C.K.M,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. Unknown of 2021 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), 420 and 406 of I.P.C., in Crime No.Not Known of 2021 on the file of the respondent police, seek anticipatory bail.



3. The case of the prosecution is that the defacto complainant married the first petitioner on 11.01.2010. The petitioners chased away the defacto complainant by demanding dowry in the 2nd week of April 2021. Hence, the present complaint.

4. The learned counsel for the petitioners submitted that the defacto complainant quarrelled with the first the petitioner on 01.05.2018 and left the matrimonial house along with the son. Though the first petitioner took all steps to bring the defacto complainant to home, she filed I.D.O.P.No.490 of 2020 on the file of the Family Court, Nagercoil to dissolve the marriage. She received a sum of Rs.6,50,000/- by lodging a complaint before the Inspector of Police, All Women Police Station, Nagercoil and the present complaint is filed for want of some more amount.

5. It is seen that the dispute between the parties is a matrimonial dispute and the defacto complainant already filed a divorce petition. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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, Eraniel, 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 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 on every Monday at 10.30 a.m 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 Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW



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

sd/-
06/05/2021

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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, ERANIEL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL, KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6513 of 2021
Date :06/05/2021

CSL/VR/SAR-I/18.05.2021 : 3P/5C