



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

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6599 of 2021

1. Muthuvel
2. Thanikodi

... Petitioners/Accused
Rank Not KNown

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.
(Crime No.Not Known of 2021)

... Respondent/Complainant

For Petitioners: Mr.S.Muniyandi,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.not known 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 506(i), 498(A) of IPC, 4 of Woman Harassment Act and Section 4 of Dowry Prohibition Act, in Crime No.not known of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the 1st petitioner and the defacto complainant. After the marriage, the accused persons demanded dowry from the defacto complainant and threatened her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.



5. Since it is a matrimonial dispute, this Court, by order dated 20.09.2021, referred the matter to the Social Welfare Officer to conduct enquiry and file a report. The Social Welfare Officer has filed a report stating that there is no scope for reunion.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the report of the Social Welfare Officer and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Judge (Magisterial Level), Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police once in a week i.e., every Monday at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with the 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 5560]***; and;

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

sd/-
27/10/2021

/ 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 ADDITIONAL MAHILA JUDGE,
(MAGISTERIAL LEVEL), MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6599 of 2021

Date : 27/10/2021

SSB

MS/PN/SAR-3/12.11.2021/3P.5C