



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

Date : 20/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9578 of 2021

1. Narayanan,

2. Santhi,

3. Uma,

... Petitioners/Accused Nos.2 to 4

Vs

The State rep. by
The Inspector of Police,
All Women Police Station, Karaikudi,
Sivagangai District.
Crime No. 15 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Saravanan N,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of Tamil Nadu(Crl Side)

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

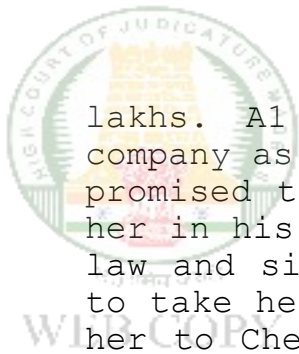
PRAYER :-

For Anticipatory Bail in Crime No.15 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 Section 294(b) IPC and section 4 of the Tamilnadu Prohibition of Harassment of Women Act in Crime No.15 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and A1 was conducted on 23.08.2018. She was provided with 25 sovereigns of gold jewels and sreethana articles worth Rs.5 Lakhs. Marriage was celebrated by spending Rs.4



lakhs. A1 informed before marriage that he was working in TVS company as Electrical Engineer and earned Rs.40,000 per month and he promised to take her to Chennai for marital life. However, he left her in his parents house. There, she was harassed by the parents-in-law and sister-in-law. She told the harassment to A1 and asked him to take her to Chennai. However, A1 has not taken any steps to take her to Chennai. Thereafter, A1 took a separate house at Muthupatti village and left Chennai. She was not provided by A1 any money for her maintenance. Her parents-in-law scolded her in filthy language on 28.01.2021 and asked her not to come to their house. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case just to harass them.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he submitted that A1 was arrested and released on bail.

5.It is seen that there were issues between the husband and wife and in-laws. The issues are matrimonial issues. Hence, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. Therefore, 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 learned Judicial Magistrate, Karaikudi 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 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders and the petitioners 2 & 3 shall report before the respondent police as and when required.

[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 5560]**.

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

sd/-
20/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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, Karaikudi
- 2.do through
The Chief Judicial Magistrate, Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station, Karaikudi,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.9578 of 2021
Date : 20/07/2021

TR/JC/SAR-I (23.07.2021) 3P 5C