



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

Date : 22/07/2021

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PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9774 of 2021

1. P.M.Karthikeyan
2. Senthamarai
3. Mohan Velayutham
4. Nirmaladevi

... Petitioners/Accused 1 to 4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Ramanthapuram
Crime No.14 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.ATHIMOOLAPANDIAN, Advocate.

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

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

PRAYER :-

for Anticipatory Bail in Crime No.14 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A, 406 and 506(1) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.14 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the petitioners 2 to 4 are in-laws of the de-facto complainant. The marriage between the de-facto complainant and the first petitioner was solemnized on 05.02.2020. After the marriage, the petitioners harassed the de-facto complainant demanding additional dowry. 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.The learned Government Advocate(Crl.side) appearing for the respondent police strongly opposed this petition on the ground that investigation in this case is not completed.

5.It is seen from the first information report shows that the case had been registered only on 16.07.2021 and the marriage was solemnized on 05.02.2020. The learned Government Advocate (Crl. Side) fairly concedes that the earlier complaint was registered as CSR, the parties were appeared before the Mediator and mediation was conducted. Subsequently, the first petitioner filed H.M.O.P.No.159 of 2021 before the Sub Court, Poonamallee and the same is pending. As per the submission of the learned counsel for the petitioners, only after filing of the HMOP, this case has been registered by the All Women Police Station, Ramanathapuram. Further, the learned counsel for the petitioners submitted that already a petition was filed in Crl.O.P.(MD)No.8673 of 2021 with unknown crime number and in that petition, this Court had directed the respondent police not to arrest them. Subsequently, this case had been registered.

6.Taking note of the above said facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 Additional Mahila Court, Judicial Magistrate Level, Ramanathapuram 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 petitioners shall report before the respondent police daily at 10.30 am., 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 5560]**.

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

sd/-
22/07/2021

/ 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.

TO

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

ORDER IN
CRL OP(MD) No.9774 of 2021
Date :22/07/2021

SA/JC/SAR.4/26.07.2021/3P/5C

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