



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.10966 & 11678 of 2021

1. R.Nandha Kumar
2. Rajappan
3. Jayalakshmi

... Petitioners/Accused Rank Not Known
IN CRL.O.P(MD).No.10966 of 2021

R.Santhiya
R.Aswin Mukesh

... Petitioners/Accused Rank Unknown
IN CRL.O.P(MD).No.11678 of 2021

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Tirunelveli Rural,
Tirunelveli District.
in Crime No.Not known

... Respondent/Complainant
IN CRL.O.P(MD).No.10966 of 2021

The Inspector of Police,
All Women Police Station,
Tirunelveli Rural,
Tirunelveli District.
in Crime No.Not known/2021

... Respondent/Complainant
IN CRL.O.P(MD).No.11678 of 2021

In both the Petitions:

For Petitioners : Mr.M.JOTHIBASU,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor(crl.side)

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

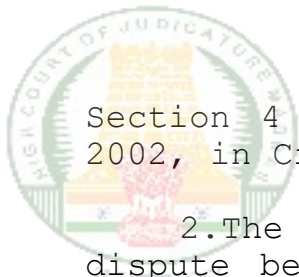
PRAYER :-

For Anticipatory Bail in Crime No.not known on the file of
the respondent police.

COMMON 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
498(A) and 406 of IPC r/w Section 4 of Dowry Prohibition Act,

<https://hcservices.ecourts.gov.in/hcservices/>



Section 4 of Tamil Nadu Prohibition of Harrassment of Woman Act, 2002, in Crime No. not known of 2021, seek anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the first petitioner and the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner 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. The present petition is at the stage of enquiry. Hence, this Court directed the petitioner to appear before the respondent police and the respondent Police was also directed to complete the enquiry and file a report. The respondent Police has also filed a report stating that the petitioners have returned the jewels, which were presented during the marriage, to the defacto complainant.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, 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 Judicial Magistrate Court No.1, Tirunelveli, 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 Magistrate 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 Magistrate 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 as and when required.

(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**



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

sd/-
28/09/2021

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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 COURT NO.I,
TIRUNELVELI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI RURAL,
TIRUNELVELI DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.JOTHIBASU M Advocate SR.No.30528 (CRL OP (MD)
No.10966/2021)

+1. CC to Mr.JOTHIBASU M Advocate SR.No.30529 (CRL OP (MD)
No.11678/2021)

ORDER

IN

CRL OP (MD) .Nos.10966 & 11678
of 2021

Date :28/09/2021

SA/SKN/SAR.3/04.10.2021/3P/7C