



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12082 of 2021

1.K.Harikrishnan

2.K.Lalitha

... Petitioners/Accused No.1&2

Vs

1.The State of Tamil Nadu,
Rep. by the Public Prosecutor,
Madras High Court - Madurai Bench,
Madurai.

2.The Assistant Commissioner of Police,
In-Charge, Shop Uppal P.S.,
Rachakonda,
Telangana.

3.The Sub-Inspector of Police,
Uppal P.S., Rachakonda Police Station,
Telangana State,
Cr.No.278 of 2021.

4.The Inspector of Police,
Fl-Authoor Police Station,
Tuticorin District.

... Respondents/Complainants

For Petitioners : Mr.S.Chandrasekar,Advocate

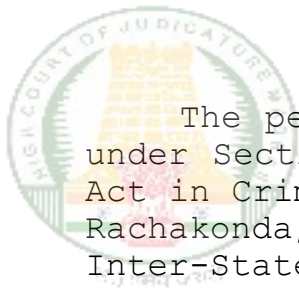
For R.1 & R.4 : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.278 of 2021 on the file
of the third respondent Police.

ORDER : The Court made the following order :



The petitioners are apprehending arrest for the alleged offence under Sections 498A, 509 IPC and Sections 3, 4 of Dowry Prohibition Act in Crime No.278 of 2021 on the file of the Uppal Police Station, Rachakonda, Telangana State and therefore, sought for grant of Inter-State Anticipatory Bail.

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2. The case of the prosecution is that the first accused and the defacto complainant got married in the year 2016 and out of the wedlock, they are having a baby boy. The marital relationship between the parties appears to have been strained, owing to demand of additional dowry and the defacto complainant was driven out of the matrimonial home. Hence, the complaint.

3. Learned Counsel for the petitioners submits that the petitioners are innocents and have not committed any offence as alleged by the prosecution. He prays for grant of interim anticipatory bail for a limited period, so as to enable them to approach the jurisdictional Court to get regular bail.

4. A Division Bench of this Court in the decision reported in **1992 LW (Cr1) 475, [S.P.Shanthi Swaroop and Others v. State of Tamil Nadu]**, after considering several judgments delivered by various High Courts, has held that in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court was having jurisdiction, this Court can grant them Anticipatory Bail for a limited period and direct the concerned persons to move the Court, which is having regular jurisdiction over the matter in the meantime. The relevant portion in the said judgment reads as follows:

"The High Court or the Court of Session has got power under Section 438, Cr.P.C., to grant Anticipatory Bail irrespective of the local ...of the commission of the offence. In other words, in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court irrespective of the fact that they are residents of the place over Anticipatory Bail. However, we wish to observe that while granting Anticipatory Bail, this Court has to restrict the relief for a limited period and to direct that concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the Petitioners available for interrogation by the concerned Police in the meantime."

5. Considering the facts and circumstances of the case and in view of the decision referred to supra, without expressing any opinion with regard to the merits of the case, this Court is



inclined to grant Inter-State Anticipatory Bail to the petitioners, enabling them to move the concerned Court of jurisdiction for Anticipatory Bail.

6. Accordingly, Anticipatory Bail is granted to the petitioners for a period of four weeks from the date of receipt of a copy of this order. The petitioners are directed to be enlarged on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Tiruchendur, on each of them executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 within the said period of four weeks, the petitioners shall appear before the concerned Court of jurisdiction and move for Anticipatory Bail before the said Court.

7. In fine, this criminal original petition is allowed in the above terms.

sd/-
26/08/2021

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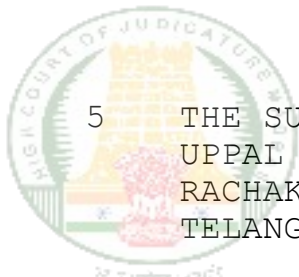
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

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,
TIRUCHENDUR
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKKUDI
- 3 THE PUBLIC PROSECUTOR,
STATE OF TAMILNADU
MADRAS HIGH COURT MADURAI BENCH,
MADURAI.
- 4 THE ASSISTANT COMMISSIONER OF POLICE,
IN-CHARGE, SHOP UPPAL POLICE STATION,
RACHAKONDA, TELANGANA.



5 THE SUB INSPECTOR OF POLICE
UPPAL POLICE STATION,
RACHAKONDA POLICE STATION,
TELANGANA STATE.

6 THE INSPECTOR OF POLICE
F1-AUTHOOR POLICE STATION,
TUTICORIN DISTRICT.

7 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-5750[I] dated 27/08/2021)

ORDER
IN
CRL OP(MD) No.12082 of 2021
Date :26/08/2021

PKP/PN/SAR-2/07.09.2021/4P/9C