



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12276 of 2021

1.Rebistan
2.Selvi
3.Ramela

... Petitioners/Accused Nos.1,2 & 4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Tuticorin,
Tuticorin District.
(Crime No.30 of 2021)

... Respondent/Complainant

For Petitioners : Mr.S.SIVAKUMAR, Advocate

For Respondent : 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.30 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 offence punishable under Sections 498(A) and 406 IPC in Crime No.30 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is the husband of the defacto complainant and 2nd and 3rd petitioners are her in-laws. The first petitioner along with other accused demanded dowry, harassed the defacto complainant and has driven the defacto complainant out of the matrimonial home. Hence this case came to be registered.

3.The learned counsel for the petitioners submits that the petitioners have not indulged in any offence as alleged by the prosecution and they are innocents. By suppressing the earlier complaint lodged by the defacto complainant, this present complaint has been foisted against the petitioners.



4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted it is a familial dispute.

5.Considering facts and circumstance of the case, the nature of allegations levelled against the petitioners and the main dispute is between the husband and wife, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 No.4, Thoothukudi 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 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 are 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/-
15/09/2021

/ 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 JUDICIAL MAGISTRATE NO.4
THOOTHUKUDI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TUTICORIN,
TUTICORIN DISTRICT.

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

+1. CC to Mr.S.SIVAKUMAR, Advocate SR.No.6283

ORDER

IN

CRL OP(MD) No.12276 of 2021

Date :15/09/2021

SA/PN/SAR.1/20.09.2021/3P/6C