



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/09/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12962 of 2021

1. Sasikumar
2. Kaleeswari ... 1 & 2 Petitioners/ Accused Nos. 1 & 2

Vs

1. The State rep. by,
The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
(Crime No. 05 of 2021).
2. Nageswari
(R2 Impleaded as per order
of this Court dated 17/09/2021
in Crl MP(MD)No.7283/21 in
Crl.OP(MD)No.12962/2021) ... Respondents/Complainant

For Petitioners : Mr.S.SARAVAGAN PRABHU,
Advocate.

For Respondent 1 : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.05 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 506(i) of IPC, in Crime No.5 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The prosecution case is that the second respondent/defacto complainant is the wife of the first petitioner and they are having three girl children. The first petitioner, who is aged about 45 years old, is a Siddha Doctor and taking advantage of his position, he married a 25 years old girl and left the defacto complainant and



their children in the lurch. When the defacto complainant questioned the same, he demanded dowry and also humiliated the defacto complainant and the children.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the first petitioner is a Siddha Doctor, a responsible person in the society and he has not married anybody as claimed by the defacto complainant. Due to some misunderstanding between the first petitioner and the defacto complainant, he is living separately. He never left the children in the lurch. To show his bonafide, he has also transferred some properties in the name of his children. He would further submit that the second petitioner is the mother of the first petitioner, who is aged about 65 years old. Therefore, he prayed for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5. Taking into consideration of the facts and circumstances of the case and the nature of allegation levelled against this petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Natham, 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 Judge 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 daily at 10.30 a.m., until further orders.

(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 petitioner 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/ petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/09/2021

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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,
NATHAM, DINDIGUL DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAMADURAI,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.SARAVAGAN PRABHU, Advocate SR.No.6590

ORDER

IN

CRL OP(MD) No.12962 of 2021

Date : 24/09/2021

SA/PN/SAR.3/28.09.2021/3P/6C