



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/10/2021

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PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP (MD) . No.12714 of 2021**

1. Deepak
2. Thangadurai
3. Jaya Kala

... Petitioners/Accused  
Rank Not Known

Vs

State rep. by  
The Inspector of Police,  
All Women Police Station,  
Kanyakumari,  
Kanyakumari District.  
(Crime No.Not Known/2021)

... Respondent/Complainant

For Petitioners : M/s.M.Ashok Padmaraj, Advocate  
for M/s.P.T.Ramesh Raja

For Respondent : M/s.R.Meenakshi Sundaram,  
Additional Public Prosecutor

For Intervenor : M/s.K.P.Narayanakumar, Advocate

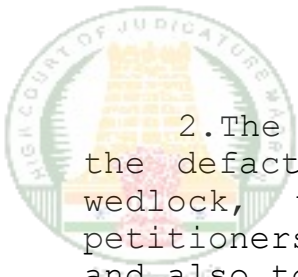
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.Not known 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 offences punishable under Sections 498A, 406 of IPC, Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.Not Known of 2021, seek anticipatory bail.



2.The case of the prosecution is that the first petitioner and the defacto complainant got married in the year 2018 and out of wedlock, they were blessed with a girl child. However, the petitioners have demanded more dowry from the defacto complainant and also tortured her. Hence, the complaint.

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3.The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the first petitioner has filed an undertaking affidavit that he would pay a sum of Rs.10,000/- as monthly maintenance to his child, without prejudice to his defence before this Court.

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

5.Since it is a matrimonial dispute, this Court, by order dated 06.09.2021, referred the matter to the Social Welfare Committee to conduct enquiry and file a report. The District Social Welfare Officer has also filed a report stating that there is no possibility of reunion.

6.Considering the facts and circumstances of the case, the nature of allegations levelled against these petitioners, the willingness of the first petitioner to pay a sum of Rs.10,000/- as monthly maintenance to his child, this Court is inclined to grant anticipatory bail to the petitioners.

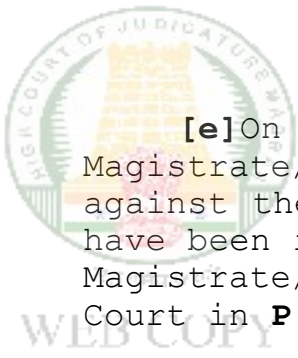
7.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, on 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

**[b]**the petitioners shall appear 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 petitioners in accordance with law as if the conditions have been imposed and the petitioner 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/-  
29/10/2021

/ TRUE COPY /

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

TTA

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

+1. CC to M/S.P.T.RAMESH RAJA, Advocate SR.No.7713

+1. C.C.to M/S.K.P.NARAYANA KUMAR, Advocate SR.No.7753

ORDER  
IN  
CRL OP(MD) No.12714 of 2021  
Date :29/10/2021