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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.13901 of 2021

1. Kasthuri
2. Ponselvi
3. Sathiyaseelan
4. Sathiya Bama
5. Solaimani

... Petitioners/Accused

Vs

The Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District.
(Crime No.14/2021).

... Respondent/Complainant

For Petitioner : MR.PERUMAL.C.T,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No.14 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 to 6 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 294(b), 506(i) of IPC and Section 4 of TNPHW Act in Crime No.14 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused demanded more dowry from the defacto complainant, abused in filthy languages and also criminally intimidated her. Hence, the present case has been registered.



3.The learned counsel for the petitioners submits that the defacto complainant filed D.V.O.P.No.21 of 2018 against the petitioners and the other accused, wherein, no allegation has been stated as alleged in the present FIR. He further submits that the son of the first petitioner has filed an affidavit before this Court that as per the order passed by the learned Judicial Magistrate No.I, Thoothukudi, he is regularly paying a sum of Rs.5,000/- towards maintenance to the defacto complainant. Apart from that, without prejudice to his rights, the first accused is ready to pay further sum of Rs.5,000/- as interim maintenance.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposed this petition on the ground that this Court, by order dated 23.09.2021, referred the matter to the Social Welfare Committee to conduct enquiry and file a report, but the petitioners have not co-operated for enquiry.

5.Considering the nature of allegation levelled against the petitioners, the affidavit filed by the first accused and that the first accused is willing to pay further sum of Rs.5,000/- as interim maintenance and that the petitioners are the in-laws, 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 Judicial Magistrate, Srivaikundam, Thoothukudi District, 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 for interrogation;

(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.

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Sd/-
22/10/2021

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/ /2021

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

CP

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

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-7390[I] dated 25/10/2021)

ORDER
IN
CRL OP (MD) No.13901 of 2021
Date : 22/10/2021

VB/VR/SAR-II/01.11.2021/3P/6C