



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.14119 and 15767 of 2021

1. Suresh Kumar
2. Ponnammal

... Petitioners/ Accused No.2 & 3
IN CRL.O.P(MD) .NO.14119 OF 2021

Melvin Jeyakumar

... Petitioner/Accused No.1
IN CRL.O.P(MD) .NO.15767 OF 2021

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Pudukottai,
Tuticorin District.
(Crime No.11/2021).

... Respondent/Complainant
IN BOTH THE PETITIONS

For Petitioners : Mr.A.N.Ramanathan, Advocate for
(In both Crl.O.Ps) MR.K.MUTHU GANESA PANDIAN, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
(In both Crl.O.Ps) Additional Public Prosecutor

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

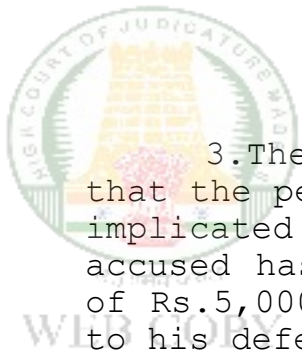
PRAYER :-For Anticipatory Bail in Crime No.11 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 498(A), 323 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002, in Crime No.11 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the first accused and the defacto complainant on 18.01.2021. Thereafter, the first accused at the instigation of the other accused have demanded more dowry from the defacto complainant and her.

<https://hcmca.org.in/home>



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the first accused has filed an undertaking affidavit that he would pay a sum of Rs.5,000/- as monthly maintenance to his wife, without prejudice to his defence before the this Court.

4.Heard the learned Additional Public Prosecutor appearing for the respondent police.

5.Since it is a matrimonial dispute, this Court, by order dated 20.10.2021, referred the matters 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 the petitioners, the first accused's willingness to pay a sum of Rs.5,000/- as monthly maintenance to his wife and since there is no scope of reunion, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petitions are 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 Court No.III, Thoothukudi, 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 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 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.)
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.III
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDUKOTTAI,
TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14119 & 15767
of 2021

Date :29/10/2021

TTA

MK/PN/SAR.III/12.11.2021/3P/5C