



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14149 of 2021

1. T. Kalaichelvan,

2. T.Jamunarani,

3. T.Murugan,

4. V.Ganesan,

... 1 to 4 Petitioners/
Accused No.1 to 4

Vs

State Rep. By
The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District.
(Cr.No.9/2021).

... Respondent/Complainant

For Petitioner : M/s. Sasikumar.D.,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

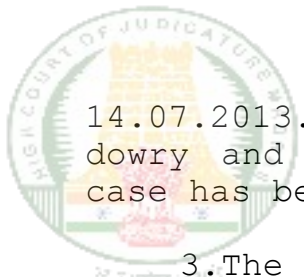
For Anticipatory bail in Crime.No.9 of 2021 on the file of the Respondent Police

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 498(A) and 506(i) of IPC, in Crime No.09 of 2021 on the file of the respondent police, seek anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place on



14.07.2013. After the marriage, the accused persons demanded more dowry and threatened the defacto complainant. Hence, the present case has been registered.

3.The learned counsel for the petitioners submitted that the first petitioner and the defacto complainant had been living separately for the past three years and the first petitioner is working at a vessel in Mumbai and the dispute among the parties is that the defacto complainant was insisting the petitioner to leave his job and stay with her in her parents' house. He further submitted that this Court, by order dated 23.09.2021, referred the matter to the District Social Welfare committee. The petitioner has also appeared before the District Social Welfare Officer on 21.10.2021 and 27.10.2021, but the defacto complainant had not turned up.

4. The learned counsel for the petitioner further submitted that the first petitioner is ready to file an undertaking affidavit that he would pay a sum of Rs.15,000/- towards monthly maintenance to the defacto complainant and her child, without prejudice to his defence before the trial Court.

5.The learned Additional Public Prosecutor appearing for the respondent police submitted that it is a matrimonial dispute and the investigation is yet to be completed.

6.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the readiness of the first petitioner to file an undertaking affidavit that he would pay a sum of Rs.15,000/- towards monthly maintenance to the defacto complainant and her child, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Court, Thiruvadanai, 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 first petitioner shall file an undertaking affidavit before the respondent Police as well as before the trial Court that he would pay a sum of Rs.15,000/- towards monthly maintenance to the defacto complainant and her child, without prejudice to his defence before the trial Court;



(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 20 days from the date of receipt of a copy of this order and thereafter, as and when required for interrogation;

(d) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

8. The respondent Police shall find out any possibility of reunion between the defacto complainant and the first petitioner.

sd/-
28/10/2021

/ TRUE COPY /

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

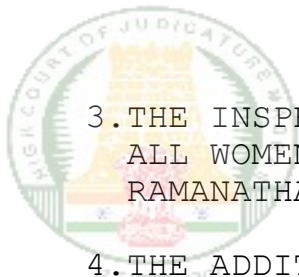
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE COURT,
THIRUVADANAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT.



3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.D.SASIKUMAR, Advocate (SR-7652[I] dated 29/10/2021)

ORDER

IN

CRL OP(MD) No.14149 of 2021

Date :28/10/2021

SB/PN/SAR-II/10.11.2021/4P/6C