



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14572 of 2021

1.Manikandan

2.Eswari

3.Vellaisamy

... Petitioners/Accused 1 to 3

Vs

State Rep. By
The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
(Crime No.15 of 2021)

... Respondent/Complainant

For Petitioners : Mr.T.Leninkumar
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.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the petitioners' second anticipatory bail application. The petitioners/A1 to A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 498(A) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002, in Crime No.15 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and petitioners 2 and 3 are parents of the first petitioner. The marriage between the first petitioner and the de-facto complainant was solemnized in the month of August, 2021. After the marriage, the petitioners harassed the de-facto



complainant by demanding additional dowry, snatching thali and driven her out of the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail.

4.The learned Additional Public Prosecutor for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed.

5.Considering the fact that it is a matrimonial dispute, this Court, vide order dated 21.10.2021, referred the matter to Mr.R.Nadhankumar as a Mediator to mediate the case and to find out the possibility of any amicable settlement between the parties and file a report.

6.Today, ie.28.10.2021, when the matter is taken up for hearing, the Mediator filed a report before this Court stating that the issue could not be settled between the parties.

7.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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, Palani 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 Judge 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 first petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders; the petitioners 2 and 3 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 Judge/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been breached and the petitioners released on bail by the learned Judge/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;



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

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sd/-
28/10/2021

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.14572 of 2021
Date :28/10/2021

SB/PN/SAR-I/10.11.2021/3P/5C