



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.15779 of 2021

1.Raja Mohamed
2.Sikkandar
3.Sahila Banu
4.Sabitha
5.Rajamohamed ... Petitioners/Accused
Nos.1 to 5

Vs

The state represented by
The Sub Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Cr.No. 17 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Saravanakumar.S,
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.17 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 498(A), 294(b), 323 and 506(i) of IPC and Section 4 of
Dowry Prohibition Act, 1961, in Crime No.17 of 2021 on the file of
the respondent police, seek anticipatory bail.



2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

3. The case of the prosecution is that due to matrimonial dispute, the de-facto complainant lodged a complaint against the petitioners/accused persons for the allegation of demand of dowry. Hence, this case.

4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case, hence, they seek anticipatory bail.

5. The learned Additional Public Prosecutor, on instructions, submitted that the petitioners are having no previous case. He further submitted that A1 is the husband of the defacto complainant, A2 is the father-in-law, A3 is the mother-in-law and A4 is the sister-in-law of the defacto complainant and A5 is the husband of A4 and it is purely a matrimonial dispute.

6. Considering the facts and circumstances of the case and also the fact that no previous case is pending against the petitioners and it is purely a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, and on their executing 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:

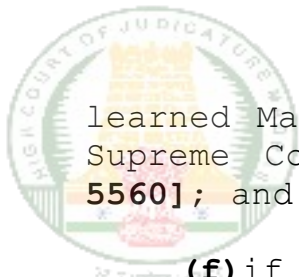
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required by the respondent police;

(c) the petitioners shall not tamper with 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]**; and

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

sd/-

12/10/2021

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

+1. CC to M/S.S.SARAVANAKUMAR, Advocate SR.No.7196

ORDER

IN

CRL OP(MD) No.15779 of 2021

Date :12/10/2021

PJL

SS/PN/SAR-II/21.10.2021 : 3P/6C