



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.16159 of 2021

WEB COPY

1. Hareesh,

2. Manoharan,

... Petitioners/Accused 1 and 2

Vs

The State Rep. By
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram.
Cr.No. 137 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Manikandan.P,
Advocate.

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

For Intervenor : Mr.R.Anand

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

PRAYER :-

For Anticipatory Bail in Crime No.137 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 341, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.137 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter had love affair with the first petitioner and married him. But the defacto complainant and his family members have not accepted their marriage. After the marriage, the first petitioner demanded dowry from the defacto complainant through his wife, however, the defacto complainant refused to give dowry to the first petitioner. Due to which, the petitioners attacked the defacto complainant. Hence the complaint.

<https://hcservices.equityline.in/hcservices> 3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the first petitioner and the



defacto complainant's daughter are living happily and they are residing at Chennai. Till date, the defacto complainant did not come to the first petitioner's house and visit his daughter.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is yet to be completed.

5. The learned counsel appearing for the intervenor submitted that the first petitioner has abducted the defacto complainant's daughter and got married. Now, he has demanded a sum of Rs.1,00,000/- as dowry from the defacto complainant.

6. Since the learned counsel for the petitioners submitted that the first petitioner and the daughter of the defacto complainant are living happily and considering the objections raised by the learned counsel appearing for the intervenor, this Court directed the respondent Police to verify the whereabouts of the daughter of the defacto complainant and the first petitioner's wife was directed to file an affidavit before this Court. The first petitioner's wife namely Pandeewari has filed an affidavit stating that she married the first petitioner on 18.01.2021 and her father has not accepted their marriage. Therefore, a false case has been given by her father against the first petitioner and no such incident took place as alleged by the defacto complainant.

7.Considering the nature of allegations against the petitioners and the affidavit filed by the first petitioner's wife, this Court is inclined to grant anticipatory bail to the petitioners.

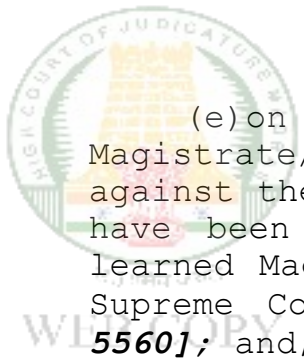
8.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ramanathapuram, on condition 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;

<https://hcservices.ecourt.gov.in/hcservices> 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/-
27/10/2021

/ TRUE COPY /

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

ssb

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,
RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPALAIKUDI POLICE STATION,
RAMANATHAPURAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.MANIKANDAN, Advocate (SR-7657[I] dated 29/10/2021)

ORDER
IN
CRL OP(MD) No.16159 of 2021
Date : 27/10/2021