



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.16354 of 2021

1.Gopi

2.Saranya

... Petitioners/Accused 4 & 5

Vs

State Rep. By

The Inspector of Police,

All Women Police Station,

Thiruverumbur,

Thiruchirapalli District.

Cr.No.22 of 2021

... Respondent/Complainant

For Petitioners : Mr.R.Nalliyappan
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.22 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 and A5 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 323 and 498(A) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002, in Crime No.22 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of A1, A1 to A3 have harassed the de-facto complainant by demanding additional dowry and driven her out of the matrimonial home. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>
3.The learned counsel for the petitioners submitted that the petitioners are only in-laws of the de-facto complainant, they 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.

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5.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.

6.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 No.I, Thiruchirappalli, 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 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;

(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 imposed 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.

sd/-
28/10/2021

/ TRUE COPY /

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

cp

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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 NO.I,
TIRUCHIRAPPALLI .

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

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVERUMBUR, TRICHY DISTRICT.

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

+1 CC to M/s.R.NALLIYAPPAN, Advocate (SR-7685[I] dated 29/10/2021)

ORDER

IN

CRL OP(MD) No.16354 of 2021

Date :28/10/2021

SB/JM/SAR-IV/10.11.2021/3P/6C