



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.16364 and 16480 of 2021

A. Abdulfemina	... Petitioner/Accused No.3 (in Cr1.O.P(MD) .No.16364/2021)
1.S.Rautharkani	
2.S.Pathumuthu	... Petitioners /Accused Nos.1&2 (in Cr1.O.P(MD) .No.16480/2021)

Vs

State rep.by The Inspector of Police, All Women Police Station, Karaikudi, Sivagangai District. (Crime No.22 of 2021).	... Respondent/Complainant (in both Petitions)
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For Petitioner : M/s.Mahalingam.S.,Advocate.
(in Cr1.O.P(MD) .No.16364/2021)

For Petitioners : M/s.A.Geroge Stephen Kanikkairaj,
Advocate (in Cr1.O.P(MD) .No.16480/2021)

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor
(in bothe Petitions)

PETITION FOR ANTICIPATORY BAIL Under Section 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 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A), 506(1) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 1998, in Crime No.22 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the first accused and the defacto complainant on 22.05.2012. After the marriage, the petitioners herein harassed the defacto complainant by demanding additional dowry. Due to which, a dispute arose between the first accused and the defacto complainant and she left her matrimonial home. Thereafter, she got information that the other accused arranged and performed second marriage between the first accused and the third accused herein. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The learned counsel for the petitioners further submitted that the first accused has filed an undertaking affidavit that he would pay a sum of Rs.5,000/- as monthly maintenance to his wife and children, without prejudice to his defence before the trial Court.

4.Heard the learned Additional Public Prosecutor appearing for the respondent police.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners, his willingness to pay a sum of Rs.5,000/- as monthly maintenance to his wife and children, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal District Munsif Cum Judicial, Magistrate Court, Karaikudi, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.



[b]the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

[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 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
29/10/2021

/ TRUE COPY /

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

TTA

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 PRINCIPAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE COURT,
KARAIKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S. MAHALINGAM.S. Advocate SR.No.7715

+1. CC to M/S.A.GEORGE STEPHEN KANIKKAIRAJ SR.NO.7714

ORDER
IN
CRL OP (MD) . Nos.16364
and 16480 of 2021
Date :29/10/2021

SP/PN/SAR III/12/11/2021/4P/7C