



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17465 of 2021

1. Nallathambi @ Nallithambi
2. Vellammal
3. Karpaganarayanan
4. Karpagamari
5. Karpagam @ Karpagavalli
6. Selvamani

... Petitioners/Accused
2 to 7

Vs

State rep.by
The Inspector of Police,
All Women Police Station, Thallakulam,
Madurai City, Madurai.
(Crime No.47 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Alaguram Jothi, Advocate for
M/s.Villavankothai.T, Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.47 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 to 7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr.No.47 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant and the first accused in this case are husband and wife and the accused tortured the defacto complainant demanding more dowry. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and since the defacto complainant is the Head Constable and only at her influence, a false case has been foisted against them. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the State would submit there is matrimonial dispute between the first accused and the defacto complainant and the petitioners herein are the in-laws of the defacto complainant and they are residing separately.

5.Considering the facts that there existed matrimonial dispute between the first accused and the defacto complainant, that the petitioners are in-laws of the defacto complainant and also the fact that the petitioners are residing separately, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Additional Mahila Court, Madurai, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

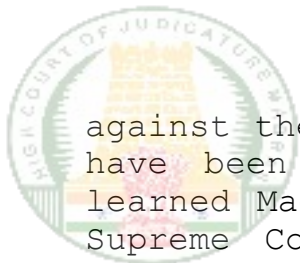
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(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;

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

Sd/-

16/11/2021

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/ /2021

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

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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 LEARNED JUDGE,
ADDITIONAL MAHILA COURT,
MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI CITY, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17465 of 2021

Date :16/11/2021

SP/JM/SAR II/22/11/2021/3P/4C

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