



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/11/2021

WEB COPY

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.18626 of 2021

1. Immanuel Johni,

2. Savari,

3. Greatta,

4. Menaka,

... Petitioners /Accused Nos.1 to 4

Vs

State Rep by,  
The Sub Inspector of Police,  
Tuticorin South Police Station,  
Thoothukudi.

Cr.No.829 of 2021.

... Respondent/Complainant

For petitioners : MR.S.M.A.Jinnah, Advocate.

For Respondent : Mr.SS.Madhavan,  
Government Advocate (Crl.Side)

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

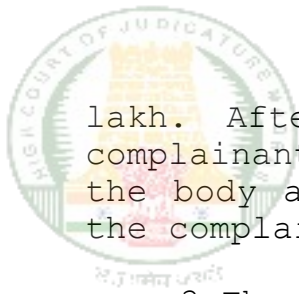
PRAYER :-

For Anticipatory Bail in Crime No.829 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners /Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 354, 506(ii) IPC r/w Section 4 of TNWPH Act, in Crime No.829 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are the husband and wife and the petitioners 2 to 4 are in-laws of the defacto complainant. At the time of marriage the defacto complainant was given 45 ½ sovereigns of gold jewelry, Rs.3 lakhs and usual sridhana articles, worth about Rs.1



lakh. After marriage, the first petitioner abused the de-facto complainant in filthy language and attacked her on various parts of the body and caused injuries by demanding additional dowry. Hence, the complaint.

3.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.

4.The learned Government Advocate (Crl.Side) would submit that the marriage was solemnized between the parties on 28.10.2021 and the complaint was given by the defacto complainant, on 14.11.2021 and the injured was treated as inpatient for a period of 10 days.

5.Considering the seriousness and gravity of the offence alleged against the first petitioner, this petition is dismissed as against the first petitioner is concerned. But, however, considering the nature of charges levelled against the petitioners 2 to 4 and also the fact that they are the family members of the first petitioner and that the petitioners 2 to 4 are not having any previous case for serious offences, as stated by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

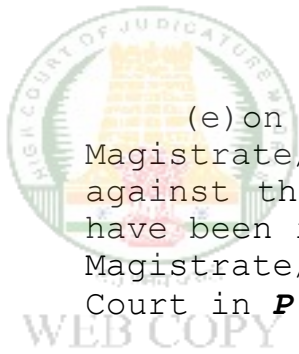
6. Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tuticorin District, on condition that the petitioners 2 to 4 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 conditions that:

(a) the petitioners 2 to 4 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 2 to 4 shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation.

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/11/2021

/ TRUE COPY /

/ /2021

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

dss

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

ORDER

IN

CRL OP(MD) No.18626 of 2021

Date :26/11/2021

PKP/JC/SAR-2/07.12.2021/3P/5C