



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8115 of 2022

1 R.PERIASAMY [PETITIONERS / ACCUSED]
2 MANICKAM @ RAJA MANICKAM
3 MALLIGA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR, SALEM DISTRICT.
(CNR.NO.TNSA010005432022)

For Petitioner : M/S S.AMBIGAPATHI Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Based on the private complaint given by one Vimala, the learned Judicial Magistrate No.II, Attur in C.M.P.No.2554 of 2021 has directed the respondent police vide order dated 19.11.2021 to register a case and investigate the same.

2. The petitioners, who apprehend arrest at the hands of the respondent police based on the said private complaint are before this Court seeking anticipatory bail.

3. The learned counsel for the petitioners would submit that the de facto complainant gave a complaint to the respondent police alleging dowry harassment, which was enquired in C.S.R.No.361 of 2021 and closed. However on the same allegations, a private complaint has been filed before the learned Judicial Magistrate No.II, Attur and the learned Judicial Magistrate has directed the respondent police to register a complaint and investigate. He further submits that the petitioners are ready to cooperate with the investigation.



4. Considering the nature of the allegation and the submissions made by the petitioners counsel, this Court is of the view that custodial interrogation of the petitioners not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate No.II, Attur on condition that each of the petitioners shall execute a separate bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(c) the petitioners shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



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

WEB COPY

-sd/-
07/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ATTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S S.AMBIGAPATHI Advocate on payment of necessary charges SR.No.5393

CRL OP.8115/2022

Date :07/04/2022

CSK 12/04/2022