



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10728 of 2022

1 M.MANIKANDAN

[PETITIONERS / ACCUSED]

2 M.ANBZHAGI @ ANBARASI

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE

W-8, ALL WOMEN POLICE STATION,

THIRUMANGALAM, CHENNAI.

CRIME NO.10 OF 2022.

For Petitioner : M/S.R.THAMARAI SELVAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence **under Section 498 (A), 326, 406 I.P.C.** in Crime No.10 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, defacto complainant Saranya had got married with one Udhaykumar, brother of the first petitioner and the said Udhaykumar demanded dowry at the instigation of the petitioners.

3.Heard the submissions of learned counsel appearing for the parties.

4.It is seen from the submissions that, first petitioner is the elder brother of the first accused. First petitioner is not living with the first accused and defacto complainant. He is falsely implicated in this case. It is also submitted that, second accused M.Shanthi, mother of first accused was granted anticipatory bail by Principal District and Sessions Court, Tiruvallur in Crl.M.P.No.1397 of 2022 on 11.04.2022.



5. Taking note of the factual position in this case that, the incident happened in connection with marital dispute between the parties and that main allegations are made only against the first accused/husband, this Court is of the view that, custodial interrogation of the petitioners are not necessary, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Ambathur, Chennai**, on condition that the petitioners shall execute separate bond for sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) each, 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) the petitioners and the sureties shall affix his 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;

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

(c) **the petitioners shall report before the Investigating Officer daily at 10.30.a.m., until further orders;**

(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 petitioner in accordance with law as if the conditions has 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/-

06/05/2022

WEB COPY

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 PRINCIPAL DISTRICT AND
SESSIONS COURT, TIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
AMBATHUR, CHENNAI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
W-8, ALL WOMEN POLICE STATION,
THIRUMANGALAM,
CHENNAI.

+1 CC to M/S.R.THAMARAI SELVAN Advocate on payment of necessary
charges SR.NO.6854

CRL OP.10728/2022

Date :06/05/2022

TA-12/05/2022