



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11066 of 2022

1 SUDHARSAN [PETITIONERS / ACCUSED]
2 T.P.S.MURUGAN
3 UMADEVI

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BARGUR, KRISHNAGIRI DISTRICT.
CRIME NO NOT KNOWN OF 2022.

For Petitioner : M/S. DURAI. GUNASEKARAN Advocate

For Respondent : M/S.S.SUGENDRAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under sections **498(A) & 406 of IPC** r/w **Sections 3 & 4 of Dowry Prohibition Act** in CSR No.57 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is an matrimonial dispute between the husband and wife, where the petitioners apprehends arrest.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the case has not been registered against the petitioners as the defacto complainant is not co-



operative for the enquiry. He further submitted that it is a matrimonial dispute between the husband and wife.

5. Considering the facts and circumstances of the case and also taking note of the relationship between the petitioner and the defacto complainant as husband and wife, the custodial interrogation of the petitioner is not necessary in this case and hence, 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 fifteen days from the date of receipt of a copy of this order, before the Learned **Judicial Magistrate, Omalur, Salem District** on condition that each of the petitioners shall execute their own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

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

(c) **the petitioners shall report before the respondent Police as and when required for interrogation;**

(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 has 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;



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

-sd/-

11/05/2022

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 JUDICIAL MAGISTRATE,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BARGUR, KRISHNAGIRI DISTRICT.

+1 CC to M/S. DURAI. GUNASEKARAN Advocate on payment of
necessary charges SR.NO.6939

CRL OP.11066/2022

Date :11/05/2022

TA-13/05/2022