



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12677 of 2022

1 THIYAGU [PETITIONERS / ACCUSED]
2 RAJENDRAN
3 SANTHI
4 DINESH @ DHINESHKUMAR
5 DHEEPIKA

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN MANNARGUDI POLICE STATION,
MANNARGUDI
CRIME NO.3 OF 2022

For Petitioners : M/S.M.VELMURUGAN Advocate

For Respondent : MR.V.MEGHANATHAN, 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 sections 498 (A), 294(b), 506(1) of IPC r/w 4 of the Tamil Nadu Prohibition of Women Harassment of Act, 2002, in Crime No.3 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the husband, father - in - law, mother - in - law, brother - in - law and sister - in - law of the defacto complainant. The marriage in between the first petitioner and the defacto complainant was solemnized on 13.06.2021. There was matrimonial dispute in between the defacto complainant and her husband and she left the matrimonial home and lodged the present complaint on the allegation that the petitioners demanded 20 sovereigns of jewels as dowry and harassed her.



3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the complaint lodged by the defacto complainant was closed by the respondent police. Thereafter, the defacto complainant filed petition under Section 156 (3) of Cr.P.C. before the District Munsif cum Judicial Magistrate, Needamangalam at Tiruvarur District in CrI.M.P.No.394 of 2022 on 13.04.2022 and based on the direction given by the learned District Munsif cum Judicial Magistrate, Needamangalam, the case came to be registered. Accordingly, the learned counsel prays for grant of Anticipatory Bail to the petitioners.

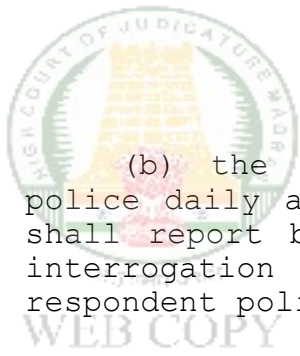
4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that earlier, the complaint lodged by the defacto complainant was enquired and closed by the respondent police. Thereafter, based on the direction given by the learned District Munsif cum Judicial Magistrate, Needamangalam, the case came to be registered.

5. Heard the submissions made by the learned Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

6. Considering the fact that the case is due to matrimonial dispute and the fact that the case came to be registered based on the direction given by the learned District Munsif cum Judicial Magistrate, Needamangalam, in the petition filed by the defacto complainant under Section 156 (3) of Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioners subject to imposing conditions.

7. 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 on which the order copy made ready, before the learned District Munsif - cum - Judicial Magistrate, Needamangalam, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each (since the petitioners belong to the same family, common sureties shall be accepted) 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, failing which the petitions for anticipatory bail shall be dismissed 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the first petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police as and when required for interrogation and petitioners 2 to 5 shall report before the respondent police 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;

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

-sd/-
27/05/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN MANNARGUDI POLICE STATION,
MANNARGUDI



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

CC to M/S.M.VELMURUGAN Advocate on payment of necessary charges

CRL OP.12677/2022

Date :27/05/2022

JPA 31/05/2022