



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14386 of 2022

1 MURUGANANTHAM
2 SELLAMMAL

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VADAPATHIMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO.65/2022)

[RESPONDENT]

For Petitioner : M/S. SWAMISUBRAMANIAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

For Intervenor : MR.P.MUTHAMIZHSELVAKUMAR, Advocate

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 offences punishable under Sections 498(A), 323 and 506(i) of IPC and Section 4 of Dowry Prohibition Act 1961 in Crime No.65 of 2022, seek anticipatory bail.

2. The case of the prosecution is that de-facto complainant is the wife of the 1st petitioner herein and 2nd petitioner is the mother of the 1st petitioner. They got married on 15.05.2022. It is alleged that at the time of marriage, the de-facto complainant family gave 13.5 sovereigns of gold to the de-facto complainant and 5 sovereigns of gold to the 1st petitioner and also gave Rs.1.5 lakhs for the purchase of car. After marriage, they have not co-habitated and when the same was questioned by the de-facto complainant, the petitioners herein demanded dowry and also the other accused had driven her out from her matrimonial home. Further, the 5th accused in this case attacked her with hands and the 1st petitioner told her to oblige the words of his sister. Hence, the complaint.



3. Heard, the learned counsel appearing for the petitioner, learned counsel appearing for the intervenor/de-facto complainant and the learned Additional Public Prosecutor appearing for the respondent.

4. Admittedly, on 10.06.2022, the 1st petitioner attacked his wife and as such, she sustained injuries. Though she was discharged from hospital, the 1st petitioner refused to return the house hold articles and jewels which was presented in his marriage.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions.

6. Accordingly, as far as the first petitioner is concerned, this petition is dismissed and as far as the second petitioner is concerned, she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Mannargudi on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second petitioner 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 second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

27/06/2022

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, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VADAPATHIMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.No.10208

CRL OP.14386/2022

Date :27/06/2022

CSK 30/06/2022