



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.19527 of 2020

1 S.MANIKANDAN
2 S.SARASWATHI
3 M.ANDAL
4 S.SATHYAPRIYA
5 M.VASANTHI

[PETITIONERS / ACCUSED]

Vs

THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SALEM TOWN, SALEM DISTRICT

[RESPONDENT]

For Petitioner : M/S.K.SELVARAJ Advocate

For Respondent : M/S. A.DAMODARAN, 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 offences punishable under Sections 498(A) and 506(i) IPC, r/w. Section 4 of the Dowry Prohibition Act, 1961 in Crime No.34 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on account of matrimonial dispute between the 1st petitioner/husband and the defacto complainant/wife, the defacto complainant lodged complaint against her husband and in-laws, who are petitioners 2 to 5 herein alleging cruelty and dowry harassment. On receipt of complaint, the FIR was registered in Crime No.34 of 2020.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them as a counter blast to filing of HMOP SR.No.595 of 2020 before the Family Court, Salem by the 1st petitioner/husband. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that earlier by order dated 3.3.2021, this court referred the matter for mediation on 11.3.2021 and since there was no consensus reached between the parties, the matter was again posted before this Court. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances and taking note of the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, IV, Salem 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 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 petitioners 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 1st 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. The 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].



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

-sd/-

21/06/2022

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.IV,
SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SALEM TOWN, SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

CC to M/S.K.SELVARAJ Advocate on payment of necessary charges
Sr.9738

CRL OP.19527/2020

Date :21/06/2022

RVR 24/06/2022