



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.26044 of 2021

1.Alaguraja .. Petitioners
2.Chandiraguru
3.Poopathi

Vs.

The State represented by ...Respondent
The Inspector of Police
All Women Police Station
Tiruppur South
Tiruppur District.
Cr.No.3 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of their arrest in Cr.No.3 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.S.Charles

For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498 (A) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No.3 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was performed between the first petitioner and the defacto complainant viz., Illam Malathi on 17.05.2017, after their marriage the defacto complainant had one female child and thereafter, the petitioners had demanded more dowry from the defacto complainant and also harassed her for the same. The further allegation is that the first petitioner abused the defacto complainant in filthy language and attacked her in a drunken mood. Hence, the complaint.



3.The learned counsel appearing for the petitioners submitted that the anticipatory bail was granted to the petitioners by this Court vide order dated 08.12.2020 in CrI.O.P.No.18323 of 2020. Thereafter, due to Covid - 19 pandemic, the petitioners were not able to comply with the orders. Hence, the present anticipatory bail petition.

4.The learned Government Advocate (CrI.Side) raised objection stated that the petitioners have not complied the order issued by this Court in CrI.O.P.No.18323 of 2020 dated 08.12.2020.

5. It appears that the first petitioner is the husband of the defacto complainant and she is having one female child, he agreed to maintain her hence this Court directs the first petitioner to pay sum of Rs.5,000/- as maintenance to the defacto complainant during the first working day of every month, until the modification made by the Court of law.

6. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate - II, Thiruppur**, on condition that the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten 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 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 on Wednesday at 10.30p.m for a period of four weeks and thereafter as and when required for an interrogation; the second and third petitioner shall report before the respondent police as and when required for an interrogation;

[c] the petitioner shall pay sum of Rs.5,000/- as maintenance to the defacto complainant during the first working day of every month, until the modification made by the Court of law;



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 is 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

04/01/2022

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, THIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR SOUTH,
TIRUPPUR DISTRICT.

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

CRL OP.26044/2021

Date :04/01/2022

TA-10/01/2022