



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25672 of 2021

1. M.S.Sudhakar
2. Jeevarathinam
3. Kasthurithilagam
4. M.S.Senthil
5. Vasanthi Chandramani

...Petitioners

Versus

State by
The Inspector of Police,
All Women Police Station
Namakkal District.
(Crime No.19 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.19 of 2021 pending investigation on the file of the Respondent Police.

For Petitioners : Mr.B.Kumarasamy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 498A & 506(i) of IPC r/w Section 4 of Women Harassment Act in Crime No.19 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had married the first petitioner. Further, there was misunderstanding between them. Further, the petitioners had abused the defacto complainant and demanded dowry from her and threatened her with dire consequences. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the first petitioner is the husband and other petitioners are in-laws. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners had abused the defacto complainant and harassed her. He further submitted that the investigation is almost completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. At the time of the argument of the learned counsel appearing for the petitioners would submit that the first petitioner/husband fairly accepted to pay the maintenance and he also agreed to pay the maintenance as suggested by this Court.

6. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the first petitioner is ready to give the maintenance to the defacto complainant/wife, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.1, Namakkal, on condition that the petitioners shall execute a separate 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 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 is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as interim maintenance to the children. The amount may be deposited in the account of the minor children under the guardianship of the defacto complainant in the first week of every English Calendar month until further orders, failing which order of anticipatory bail will be canceled.

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



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

(e) the petitioners 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 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;

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

-sd/-

03/01/2022

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.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 S.DHANALAKSHMI,
104, SOUTH STREET,
MOHANUR, NAMAKKAL DISTRICT.

+1 CC to M/S. B.KUMARASAMY Advocate on payment of necessary charges SR.NO.55

CRL OP.25672/2021

Date :03/01/2022

RW 06/01/2022