



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3316 of 2022

1. Marichamy
2. Kanniappan
3. Selvi
4. Chandra
5. Kanniammal

... Petitioners/Accused
Nos.2 to 6

Vs

State rep.by
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
(Crime No.49/2022).

... Respondent/Complainant

For Petitioners : M/s.Deenadhayalan S, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.49 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 294(b), 376, 147, 448, 341, 352 and 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.49 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1 by giving false promise to marry the de-facto complainant, has received $\frac{3}{4}$ sovereigns of gold from her and thereafter, at the instigation of the

petitioners, he refused to marry her and also threatened her with dire consequences. Hence the complaint.

3. It is seen from the records that originally the case was registered for the offences under Sections 406, 294(b), 323 and 506 (ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and subsequently, after investigation, the case was altered into Sections 406, 294(b), 376, 147, 448, 341, 352 and 506 (ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side) would submit that the main accused/A1 was arrested and he is in judicial custody and that the petitioners are not having any bad antecedents.

6. Admittedly, the petitioners 1 and 2 are brothers, the petitioners 3 and 4 are the wives of the petitioners 1 and 2 and the sixth petitioner is the sister of A1.

7. Considering the nature of the charges levelled against the petitioners and also the facts that the main accused/A1 was already arrested and he is in judicial custody and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, Tenkasi District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
07/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TENKASI DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
K.V.NALLUR POLICE STATION,
TENKASI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.DEENADHAYALAN S Advocate SR.No.3223

ORDER
IN
CRL OP(MD) No.3316 of 2022
Date : 07/04/2022