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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5303 of 2022

1. Uiyakkattan @ Chellappa
2. Esakkiammal
3. Durgaiammal

... Petitioners/Accused 3 to 5

Vs

State represented through
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.5 of 2022)

...Respondent/Complainant

For Petitioners: Mr.M.Prabu, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.3 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 376, 314 and 506(2) IPC and Section 4 of Dowry Prohibition Act, in Crime No.5 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant were in love and the first accused by giving false promise had physical relationship with her on several times, due to that, the defacto complainant got pregnant two times, in which, first time the first accused gave abortion tablet and the defacto complainant got aborted and the second time, the defacto



complainant asked the first accused to marry her, for that, the petitioners along with other accused persons demanded 100 sovereign of gold jewels. Hence, the complaint.

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

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first accused is still in judicial custody. He would further submit that the first petitioner is the father, second petitioner is the sister and the third petitioner is the aunty of the first accused.

5.Considering the nature of the charges levelled against the petitioners and also the facts that the first accused 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.

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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the 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 229-A IPC.

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Sd/-
08/04/2022

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

CSM

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 NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5303 of 2022
Date :08/04/2022

SP/PN/SAR II/18/04/2022/3P/5C