



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5996 of 2022

1. Krishnan
2. Sasikumar
3. Sateeshkumar
4. Manikandan

... Petitioners/Accused Nos.2 to 5

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
Crime No.20/2021.

... Respondent/Complainant

For Petitioners : Mr.T.Veerakumar,
Advocate.

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

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

PRAYER :-For Anticipatory bail in Crime No.20 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, IPC, in Crime No.20 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a divorcee and she is having 10 years old male child, that the defacto complainant and the first accused got married and thereafter, the petitioners and the first accused harassed the defacto complainant by demanding dowry. Hence the complaint.

3.Admittedly, the petitioners 3 and 4 are the brother-in-laws of the first petitioner's brother.



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. He would further submit that after filing of this petition, the first accused was arrested and is in judicial custody.

5.The learned Government Advocate (Criminal Side) would submit that the investigation is almost completed.

6.Admittedly, the first accused and the defacto complainant had entered into second marriage as the defacto complainant was divorcee and having 10 years old male child and thereafter, due to misunderstanding, they were living separately. The defacto complainant, in the complaint, has referred the incident occurred on 17.09.2021 alleging that the first accused's father and brother had attacked her.

7.As rightly contended by the learned counsel for the petitioners, the defacto complainant has raised general and omnibus allegations against the petitioners.

8.Considering the facts and circumstances of the case and considering the nature of the charges levelled against the petitioners and that the main accused is in judicial custody and that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.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 Additional Mahila Court, Ramanathapuram, Ramanathapuram 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:

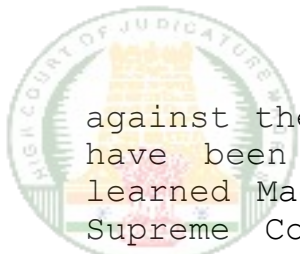
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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



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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/04/2022

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

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 ADDITIONAL MAHILA COURT
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.T.VEERA KUMAR, Advocate (SR-3259[I] dated 12/04/2022)

ORDER

IN

CRL OP(MD) No.5996 of 2022

Date :11/04/2022

das

MK/PN/SAR.IV/20.04.2022/3P/5C