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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7309 of 2022

1. Manoranjitham
2. Balasubramanian ... Petitioners/Accused Nos.2 & 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy District.
(Crime.No.8 of 2021). ... Respondent/Respondent

For Petitioners : M/s.Vakeeswaran.C., 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.8 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), 354 and 506(ii) IPC, in Crime No.8 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the first accused and the de-facto complainant, the first accused along with the petitioners said to have abused the de-facto complainant in filthy language and harassed her by demanding additional dowry. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners have filed an application in CrI.OP.(MD) No.7295 of 2021, seeking anticipatory bail and this Court vide order dated 08.06.2021, has granted anticipatory bail with certain conditions. He would further submit that the petitioners could not able to produce the sureties and hence, they are constrained to file the above application.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is almost completed and they are going to file charge sheet shortly.

5.Considering the facts and circumstances of the case and also the facts that the first accused was already granted anticipatory bail and that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side) and also the fact that the petitioners have already granted anticipatory bail by this Court, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate (Additional Mahila Court), Trichy, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners 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]**; and;



(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
20/04/2022

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

DAS

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,
(ADDITIONAL MAHILA COURT), TRICHY.
 - 2.-DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUVERUMBUR,
TRICHY DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. VAKEESWARAN.C. Advocate SR.No.3580

ORDER
IN
CRL OP(MD) No.7309 of 2022
Date :20/04/2022

SP/JM/SAR I/26/04/2022/3P/6C