



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17743 of 2022

1. Ganesh Nagarajan
2. S.Kumaresan

... Petitioners/Accused No.1&3

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District.
(Crime No.28 of 2022).

... Respondent

For Petitioner : M/s.Ganeshamoorthi.A.D.,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 417, 498(A) and 506(2) IPC r/w. Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, 2002 in Crime No.28 of 2022,
seeks anticipatory bail.

2.The case of the prosecution is that A1 married the de facto
complainant and subsequently, cheated her and also criminally
intimidated her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case.



4.The learned Government Advocate(Crl.side) appearing re respondent police submitted that A1 married the defacto complainant and subsequently, cheated her. He would further submit that A2, who is the father of A1 also criminally intimidated her and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the nature of allegations made against A2, who is father of A1, this Court is inclined to grant anticipatory bail to the 2nd petitioner / A2.

6. Accordingly, this criminal original petition is allowed and the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thenkasi, Thenkasi District on condition that the 2nd petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the 2nd petitioner 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 2nd petitioner shall report before the respondent police as and when required for interrogation.

[c] the 2nd petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the 2nd petitioner 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 2nd petitioner in accordance with law as if the conditions have been imposed and the petitioner 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) Considering the serious nature of allegations made against the first petitioner / A1, **this Criminal Original Petition is dismissed as against the 1st petitioner.**

sd/-
06/10/2022

/ TRUE COPY /

/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
THENKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-11151[I] dated
10/10/2022)

ORDER
IN
CRL OP(MD) No.17743 of 2022
Date :06/10/2022

trp
USK/VR/SAR- /10.10.2022/3P/6C