



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/10/2022
PRESENT

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

CRL OP(MD) . Nos.17794 and 17799 of 2022

Esakkimuthu

... Petitioner/1st Accused/1st Accused
in Crl OP(MD) No.17794/2022

... Petitioner/Sole Accused/Sole Accused
in Crl OP(MD) No.17799/2022

Vs

State rep.by the
The Inspector of Police,
All Women Police Station,
Alangulam District.
Crime No.36 & 13 of 2013.

... Respondent/Complainant/Complainant
in both Crl.O.Ps

For Petitioner : Mr.N.Vignesh, Advocate
(In both Crl.O.Ps)

For Respondent : Mr.S.Manikandan,
Government Advocate (Criminal Side)
(In both Crl.O.Ps)

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

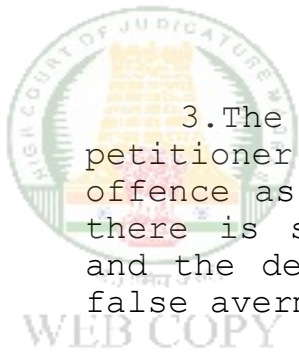
COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.36 and 13 of 2013 on the
file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
498(A), 506(1) and 109 of IPC and Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, 2002, in Crime Nos.13 and 36
of 2013, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner accused
and the defacto complainant are husband and wife. Right from the
date of marriage, the first accused/petitioner had demanded dowry
from the defacto complainant and abused her in filthy language and
also harassed her for the same. Hence, the complaint.



3.The learned counsel for the petitioner submitted the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there is some family dispute between the first accused/petitioner and the defacto complainant, due to which, she registered FIR with false averments.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is going on.

5. Considering the facts and circumstances of the case and also the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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

[a]the 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 petitioner and the defacto complainant shall appear before the Sub Court, Tenkasi, for mediation. The mediation centre shall appoint the mediator and the Mediator shall conclude the mediation process in six sitting.

(c).The first petitioner is directed to pay a sum of Rs.7,000/- (Rupees Seven Thousand only) as monthly maintenance to the defacto complainant. The maintenance amount must be paid on or before 5th of every month of English calender, till the issue is solved.

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

[e]the petitioner shall not abscond either during investigation or trial.

[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 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]**.



(g) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/10/2022

WEB COPY

/ TRUE COPY /

/10/2022

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

TO

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

COPY TO :

1. THE SUBORDINATE JUDGE,
TENKASI.
2. THE OFFICER-INCHARGE,
MEDIATION AND CONCILIATION CENTRE,
SUBORDINATE COURT, TENKASI.

+2 CC to M/s.N.VIGNESH, Advocate (SR-11092 & 11088 [I] dated 07/10/2022)

ORDER
IN
CRL OP(MD). Nos.17794 and
17799 of 2022
Date :06/10/2022

TTA
USK/SVR/SAR-II/10.10.2022/3P/9C