



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18689 of 2022

Shanmugam

... Petitioner/Accused No.4

Vs

The State represented by
The Station House Officer,
All Women Police Station,
Devakottai,
Sivagangai District.
Crime No. 10/2022.

... Respondent/Complainant

For Petitioner : M/s.Arun Swaminathan RM.
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 10 of 2022 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 498(A),
377 of IPC and Sections 4 and 6 of Dowry Prohibition Act, in Crime
No.10 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant
and the first accused are husband and wife. Due to matrimonial
dispute, the accused persons harassed the de-facto complainant by
demanding additional dowry and also the first accused sexually
harassed the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is the paternal uncle of the first accused. Further the
https://www.madrashighcourt.in/ happened prior to 2020 and the complaint has been foisted



after three years. He would further submit that there is an application in HMOP No.164 of 2022 pending before the Sub Court, Devakottai and the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is the paternal uncle of the first accused and seven witnesses have been examined so far and the investigation is not yet completed. Hence, he strongly opposed for grant of bail.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and admittedly, there is a divorce case pending in the Sub Court, Devakottai, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the 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, Devakottai, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 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 shall report before respondent police daily at 10.30 a.m., until further orders.

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

[d]the 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 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]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/10/2022

/ TRUE COPY /

/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

WEB COPY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE STATION HOUSE OFFICER
ALL WOMEN POLICE STATION, DEVAKOTTAI,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.ARUN SWAMINATHAN RM. Advocate SR.No.11886

ORDER

IN

CRL OP(MD) No.18689 of 2022

Date :26/10/2022

SS/VR/SAR III/03/11/2022/ 3P 6C