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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD). No.18976 of 2022

1.Muthupandi

2.Karthikadevi

... Petitioners/2nd & 3rd Accused

Vs

The State Rep.by,
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.21/2022).

... Respondent/Complainant

For Petitioners : M/s.Poornachandran S,
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.21 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 offences punishable under Sections 494, 406, 420, 468, 471 and 506(i) of IPC, in Crime No.21 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the complainant married on Satheeshkumar in the year 2006 and blessed with female child namely Priyadarshini in the year 2007. At the time of marriage, the complainant gave 10 sovereigns of gold jewels, a sum of Rs.20,000/- and house hold articles as stridhana. Thereafter, the complainant was thrown away from the matrimonial home by demanding more dowry. Subsequently, the complainant through the first accused's relative



came to know that first accused got married with the petitioner herein and registered the marriage as if it is a first marriage and blessed with two children. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners shall abide any condition imposed by this Court and they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the first petitioner is the father and second petitioner is the wife of the first accused. He would further submit that in this case, till now, 161 Cr.P.C statement of the three witnesses have been recorded and the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the fact that 161 Cr.P.C statement of the three official witnesses have been recorded, 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, Aruppukottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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:

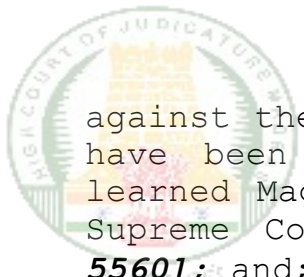
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b) the second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the first petitioner shall report before the respondent police 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 Magistrate/Trial Court is entitled to take appropriate action



against the petitioners in accordance with law as if the co is 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/10/2022

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/11/2022

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

cp

TO

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

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-12159[I] dated 31/10/2022)

ORDER

IN

CRL OP(MD) No.18976 of 2022

Date :31/10/2022

RK/VR/SAR-2 (08/11/2022) 3P/6C