



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.1578 of 2023

1. Arunpandian,

2. Sangareswari,

... Petitioners/Accused 1 & 2

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District
(Crime No.32 of 2022).

2. Sineha,

(R2 is Suo-Motu Impleaded as Per Order of the Court Dt.27/01/2023
in Crl.Op(MD) 1578 of 2023).

... Respondents/Complainants

For Petitioners : M/s.Lenin Kumar.T,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

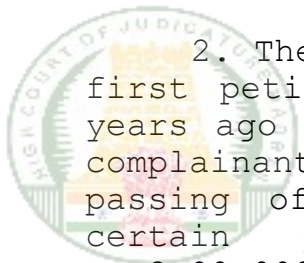
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of
the respondent police for the offences punishable under sections
498(A), 406, 294(b), 312 and 506(ii) of I.P.C., in Crime No.32 of 2022
on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized a few years ago and at the time of marriage the parents of the defacto complainant had offered 25 sovereigns of gold jewels. After passing of few days of marriage, the first petitioner pledged certain jewels. Further the second petitioner demanded Rs.3,00,000/- from the defacto complainant for the first petitioner to initiate business. Further the first petitioner in a drunken mood harassed the defacto complainant and kicked the defacto complainant on her stomach, hence her pregnancy was aborted. Thereafter she has lodged complaint before the respondent and a case was registered.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the first petitioner has harassed the defacto complainant and kicked her on her stomach which leads to miscarriage. Taking into consideration the fact that there is serious allegation as against the first petitioner this Court is not inclined to grant anticipatory bail to the first petitioner. Taking into consideration of the facts that it is a case of matrimonial dispute between the parties and the second petitioner only demanded additional dowry this court is inclined to grant anticipatory bail to the second petitioner, with certain conditions:

5. Accordingly, the second 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 on which the order copy made ready, before the learned Judicial Magistrate, Alangulam on condition that the second 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second 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 Aadhar card or Bank Pass Book to ensure their identity.

[b] the second petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the second 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 second petitioner in accordance with law as if the



conditions have been imposed and the second 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 229A IPC.

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6. As regards the first petitioner the petition stands dismissed.

sd/-
21/03/2023

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/03/2023

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

AAV

TO

- 1 The learned Judicial Magistrate,
Alangulam,
Thenkasi District.
- 2 do-through,
the chief judicial magistrate,
Thenkasi District.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGULAM,
- 4 TENKASI DISTRICT
THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LENIN KUMAR.T Advocate SR.No.4729, dt.23.03.2023.

ORDER
IN
CRL OP(MD) No.1578 of 2023
Date :21/03/2023

SI/BUC/SAR-4/(27.03.2023) 3P/ 6C