



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2023

PRESENT

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.16378 of 2022

WEB COPY

- 1.Gengatharan
- 2.Inbhakaran
- 3.Shunmugasuntharam
- 4.Banumathi
- 5.Mathiyalagan

...Petitioners/Accused No.1 to 5

-VS-

1. The State represented by
The Inspector of Police,
All Women Police Station,
Thiruchendur,
Thoothukudi District.
(Cr.No.18 of 2022)

...1st Respondent/Complainant

2. Pavithra

...2nd Respondent/Defacto
complainant

(R2 is suo motu impleaded as per order
of the court dated 12.09.2022 in
Crl.O.P(MD)No.16378 of 2022 by RTJ)

PRAYER: Criminal Original Petition filed under Section 438 of
Cr.P.C, praying to enlarge the petitioners on bail in the event of
their arrest in connection with Cr.No.18 of 2022 on the file of the
respondent Police.

For Petitioners : Mr.D.S.Haroon Rasheed
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent Police for the offences punishable under Sections 498(A),
354A, 406 IPC and Section 4 of TNPHW Act, 2002 in Crime No.18 of
2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is
the husband of the defacto complainant. After marriage, the
petitioners harassed the defacto complainant demanding more dowry.
Hence, the case has been registered.

3.Heard both sides and perused the materials available on



4.Considering the fact that it is a case of matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchendur, 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 first petitioner shall report before the respondent police daily at 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation and other petitioners 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;

(e)the petitioners 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 petitioners in accordance with law as if the conditions 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;

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

sd/-

07/03/2023

/ TRUE COPY /

/03/2023

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



To

- 1.The Judicial Magistrate, Thiruchendur.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Inspector of Police,
All Women Police Station,
Thiruchendur,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL.O.P (MD) No.16378 of 2022
DATE :07.03.2023

NA/SBN/SAR-4/17.03.2023/3P/5C