



CRL OP(MD) No.692 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.692 of 2024

1 PARTHASARATHI

2 VALARMATHI

3 MAHENDRAN

... PETITIONER / ACCUSED 1 to 3

Vs

**THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.4 OF 2023.**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.PRASANNA KUMAR, Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.4 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the



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respondent police for the alleged offence under Sections 498(A), 354A, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.4 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 09.06.2019. At the time of marriage, the defacto complainant was given 35 sovereigns of gold jewels as Sridhana. It is further alleged that the first petitioner insisted the defacto complainant to manage their bakery. Whiles, the fourth accused misbehaved with the defacto complainant and the same was informed to the petitioners herein and they have not taken any action against the fourth accused. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submitted that earlier anticipatory bail petition filed by the petitioners in CrI.OP(MD)No.6695 of 2023 was allowed by this Court, on 12.04.2023. However, since the petitioners inadvertently failed to add the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.4 of 2023, they could not execute the sureties before the trial Court. Hence, the petitioners filed this second anticipatory bail petition by adding the offence under Section 4 of Tamil Nadu Prohibition of Harassment of



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Women Act, 2002, in Crime No.4 of 2023. Hence, this Court may consider this second anticipatory bail petition and pass appropriate order.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that since the petitioners filed this second anticipatory bail petition by adding the Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.4 of 2023, this Court may consider the same with conditions.

5. Already this Court granted anticipatory bail to the petitioners on 12.04.2023. However, the same was not executed on the ground that Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.4 of 2023 was not added in the earlier anticipatory bail petition. Now, the petitioners filed this petition by adding the said Section. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Virudhunagar, 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 the



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police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(c) the petitioners shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter, as and when required for interrogation;

(d) 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;



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

sd/-
12/01/2024
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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL MAGISTRATE NO.2
VIRUDHUNAGAR
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.D.PRASANNA KUMAR, Advocate (SR-660[I] dated 12/01/2024)

ORDER
IN

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Date :12/01/2024

PKP/VR/SAR /22.01.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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