



CRL OP(MD). No.7573 of 2024

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

Date : 24/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

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1. Rajavarman

2. Sathavoo Sivalingam Pillai Rajendran

3. Amutharani

4. Priyadharshini

... Petitioners/ Accused No.1 to 4

Vs

The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.
(Crime No.16/2024.)

... Respondent/Complainant

For Petitioners : Mr.N.Mohideen Basha, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2024 on the file of the
respondent Police.



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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 498(A), 323, 294(b) and 506(2) IPC and Section 4 of TNPHW Act, in Crime No.16 of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners harassed the defacto complainant by demanding additional dowry and also, when the defacto complainant, after obtaining order for restitution of conjugal rights in favour her, went to the house of the petitioners to rejoin with the first petitioner, the petitioners abused and attacked the defacto complainant and criminally intimidated her. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and a false case has been foisted against them. He further submitted that the first petitioner is the husband of the defacto complainant and other petitioners are only in-laws of the defacto complainant and with an intention to harass the petitioners, the present complaint has been given. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the State



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submitted that the petitioners 2 to 4 are in-laws of the defacto complainant and also submitted that the petitioners harassed the defacto complainant by demanding additional dowry.

5. Considering the facts and circumstances of the case and also the fact that the petitioners 2 to 4 are only in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

6. Accordingly, the petitioners 2 to 4 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, Thanjavur, on condition that the petitioners 2 to 4 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 learned Magistrate concerned and on further conditions that:

[a] the petitioners 2 to 4 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 petitioners 2 to 4 shall report before the respondent police as and when required for interrogation.

[c] the petitioners 2 to 4 shall not tamper with the evidence or witness either



during investigation or trial.

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[d]the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 are 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.

7. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for the petitioners, this Court is inclined to grant interim anticipatory bail to the first petitioner, with certain conditions.

8. Accordingly, the first petitioner is ordered to be released on interim bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.2, Thanjavur, and on executing 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 condition that the first petitioner shall appear before the respondent police, as and when required, for interrogation. The first



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petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C.

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9. In respect of the first petitioner, the Registry is directed to list this matter before the regular Court.

sd/-
24/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

1.The Judicial Magistrate No.II,
Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
All Women Police Station,
Vallam, Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.MOHIDEEN BASHA, Advocate (SR-5846[I] dated 24/05/2024)



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ORDER

IN

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Date :24/05/2024

ED/ VR /SAR- (29/05/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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