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CRL OP(MD).No.5213 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.5213 of 2021

1.M.Raja
2.Muthu Reddiyar
3.M.Vijaya
4.P.Kalyani
5.A.Sangeetha
6.K.Ashokkumar
7.Vinotha
8.M.Ramaraj

... Petitioners/A-1 to A-8

Vs.

The Inspector of Police,
All Women Police Station,
Musiri,
Trichy District.
(Crime No.25 of 2020)

... Respondent/Complainant

For Petitioners: Mr.Punithan,T.A.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

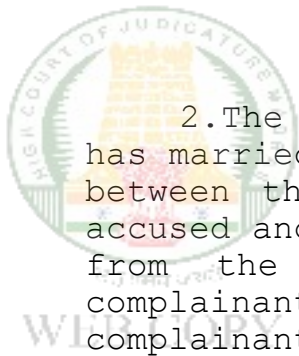
PRAYER :-

For Anticipatory Bail in Crime No.25 of 2020 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 alleged offences punishable under Sections 498(A), 294(b), 323 and 506(i) IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.25 of 2020, seek anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The case of the prosecution is that the defacto complainant has married one M.Raja/A1 on 26.04.2020. Due to matrimonial dispute between the defacto complainant and the first accused, the first accused and other accused persons have demanded Rs.25 lakhs as dowry from the defacto complainant and also harassed the defacto complainant. Based on the complaint given by the defacto complainant, the case has been registered.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

6.The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that there was a matrimonial dispute between the first petitioner and the defacto complainant as the petitioner and other accused persons have demanded Rs.25 lakhs as additional dowry and also harassed her associated with physical and mental cruelty. He further submitted that investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

6.It is seen from the submissions made that the the marriage between the defacto complainant and the first accused was solemnized on 26.04.2020. At the time of marriage, the defacto complainant's parents gifted 14 sovereigns of gold jewels and other Sridhana articles. Not satisfied with that, the petitioners said to have demanded Rs.25 lakhs as additional dowry and harassed her and also physically attacked by the petitioners. Considering the facts and circumstances of the case and also considering the fact that the issue involved is essentially matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners 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, Thuraiyur, Trichy District, 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 police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 petitioners shall report before respondent police daily at 10.30 a.m., until further orders;

[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 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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/04/2021

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

TO

1. THE JUDICIAL MAGISTRATE
THURAIYUR, TRICHY DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5213 of 2021
Date :21/04/2021