



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/11/2021

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PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD) . No.15142 of 2021**

1.A.Herbert Philip  
2.Jeyaseeli Mary Arockiadass  
3.Arockiadass

... Petitioners/Accused  
No.1 to 3

Vs

State rep.by  
The Inspector of Police,  
All Women Police Station,  
Dindigul District.  
(In Crime No.23 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Arul Jenifer, Advocate.

For Respondent : M/s.P.Kottai Chamy,  
Government Advocate

For Intervenor : M/s.R.Maheswaran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.23 /2021 on the file of the  
Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A) and 506(i) of IPC, in Crime No.23 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the first petitioner and the defacto complainant on 28.08.2020. After the marriage, the first petitioner never turned up for co-habitation from the day one of the marriage. Due to which,



a dispute arose between the first petitioner and the defacto complainant and she left her matrimonial home and the first petitioner at the instigation of the other accused had demanded more dowry from the defacto complainant and also harassed her. Hence, the complaint.

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3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and only with a view to harass the petitioners, the defacto complainant lodged a false complaint. He further submitted that the first petitioner is ready to live with the defacto complainant.

4.Since it is a matrimonial dispute, this Court, by order dated 06.10.2021, referred the matter to the Social Welfare Committee to conduct enquiry and file a report. The District Social Welfare Officer has also filed a report stating that there is no possibility of reunion.

5.Heard, the learned Government Advocate(Crl.Side) appearing for the respondent police.

6.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and since there is no scope of reunion, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petition is allowed and 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 Additional Mahila Judge, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

**[b]**the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

**[c]**the petitioners shall not tamper with the 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 Judge/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 Judge/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/-  
01/11/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE ADDITIONAL MAHILA COURT,  
DINDIGUL.
2. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,  
SOCIAL WELFARE COMMITTEE,  
DINDIGUL DISTRICT.

ORDER  
IN  
CRL OP(MD) No.15142 of 2021  
Date :01/11/2021