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CRL OP(MD)



22

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

Date : 13/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.591 of 2022

1. Ilavenil

2. P.Rajasekaran

3. Jessy

... Petitioners/Accused Nos.1 to 3

Vs

1. The State represented by
The Inspector of Police,
All Women Police Station, Lalgudi,
Trichy District.
Cr.No. 10 of 2021..

2. Deviopriya

(R2 *suomotu* impleaded as per Order
of this Court, dated 12.01.2022)

... Respondent/Complainant

For Petitioners : Mr.P.Ganapathi Subramanian,

For Respondents : Mr.A.Albert James, (R1)

Government Advocate (Crl.Side)

No Appearance (R2)

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands
of the respondent police for the alleged offence punishable under
Sections 294(b), 498(A), 354 of I.P.C and Section 4 of the Dowry
Prohibition Act, 1961, in Crime No.10 of 2021, on the file of the
respondent police, seek anticipatory bail.

<https://www.mhcoj.in/judis>



2.The case of the prosecution as per the defacto complainant/second respondent Devipriya is that her marriage with the first accused was performed on 16.09.2020. After the marriage, the accused persons demanded Rs.1 lakh and the said two wheeler. When the same was not acceded by the parents of the defacto complainant, she was driven out from her matrimonial home. Hence, the complaint.

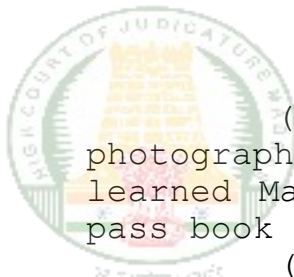
3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them. The marriage between the first petitioner and the defacto complainant was performed on 16.09.2020 and after the marriage, it was found that the defacto complainant is not fit for married life and as such, the marriage could not be consummated. Hence, the first petitioner filed a divorce petition in IDOP No.96 of 2021, before the District Court, Pudukottai. Only after receipt of notice in the divorce case, this false complaint has been foisted against the petitioners, in order to harass the petitioners. He would further submit that earlier the matter was referred to the mediation and the mediation has failed. Even in the divorce petition, the first petitioner had admitted the fact that at the time of marriage, on the side of petitioners 10 sovereigns of gold jewels were given to the defacto complainant and they had also received 8 sovereigns of gold jewels from the defacto complainant. Now, the petitioners are ready to hand over the same to the defacto complainant. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there was a matrimonial dispute between the parties and the petitioners demanded additional dowry, over which, they harassed the defacto complainant. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Lalgudi, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 learned 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 10:30 a.m., until further orders and the petitioners 2 to 3 shall report before the respondent Police daily at 10:30 a.m., for a period of two weeks and thereafter, on every Saturday 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 petitioner 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]**; and;

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

sd/-

13/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, LALGUDI,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GANAPATHI SUBRAMANIAN P Advocate SR.No.14843

ORDER

IN

CRL OP(MD) No.591 of 2022

Date :13/12/2022

SS/VR/SAR III/21/12/2022/ 3P 6C