



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

Date : 21/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1046 of 2022

WEB COPY

1. J.Prasanna
2. Tamilarasi

... Petitioners/Accused No.1&2

Vs

1. The State Rep. By,
The Inspector of Police,
All Women Police Station,
Jeeyapuram, Trichy District.
Cr.No.36 of 2021.

... Respondent/Complainant

2. Harithra

... Petitioner/Intervener/
Defacto Complainant
in Crl.MP(MD) No.1593/2022

For Petitioner : M/s.Ilayaraja.R,
Advocate.

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

For Intevenor : Mr.S.K.Mani, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 36 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 406, 498(A) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 4 of Dowry Prohibition Act, 1961 in Crime No.36 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the first petitioner and daughter-in-law of the second petitioner. The first petitioner is a Government employee. He is addicted to alcohol and also had illegal relationship with many women. He used to harass the defacto complainant in drunken mode by demanding more dowry and also abused her in filthy language and the second petitioner also harassed her. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners herein said to have harassed the defacto complainant by demanding more dowry.

5. The learned counsel for the intervenor would submit that all the certificates of the defacto complainant are in the hands of the first petitioner.

6. The first petitioner is directed to hand over all the certificates of the defacto complainant forthwith. In this regard, the learned Principal District Judge, Trichy, may also take care. The copy of this order may be sent to the learned Principal District Judge, Trichy. In respect of occurrence said to have taken place before the Mediation Centre, the learned Principal District Judge, may also take departmental action against the first petitioner in addition to the criminal action that has been initiated.

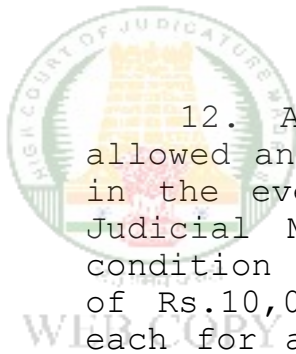
7. However, the learned counsel for the petitioners would submit that the defacto complainant along with her brother, who is working in police department has broke open the door of the house and took away all the articles as well as the certificates. In respect of which, he has also given a complaint. Over which, CSR.No.161 of 2021 has been registered.

8. It is for the police to complete the enquiry on the above said complaint and find out the truth. In the mean time, the learned Principal District Judge, Trichy, is directed to take care of the issue.

9. The learned counsel for the petitioners would submit that he seeks permission of this Court to withdraw this petition against the first petitioner is concerned.

10. The allegation has been made against the second petitioner in the FIR is that she demanded more dowry from the defacto complainant. Due to which, they lived separately. There also, trouble arose between them because of the conduct of the first petitioner.

11. Considering the facts and circumstances of the case and also considering the limited allegation has been made against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Insofar as the first petitioner is concerned, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition. Hence, this petition is dismissed as against the first petitioner is concerned.



12. Accordingly, this Criminal Original Petition is partly allowed and the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Additional Mahila Court, Trichirappalli, on condition that the second petitioner 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 the second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

13. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
21/06/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

COPY TO :
THE PRINCIPAL DISTRICT JUDGE,
TRICHY.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-5883[I] dated 22/06/2022)

ORDER
IN
CRL OP(MD) No.1046 of 2022
Date :21/06/2022