



WEB COPY



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

Date : 11/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.5218 of 2022

1. P.Krishnamurthy

2. K.Kumari

3. Haridha ... Petitioners/Accused No.2 to 4

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
(Crime No.03 of 2022). ... Respondent/Complainant

(*) 2. Nithiya

(*) 3. Navin Kumar ... 2nd & 3rd Respondents/Defacto
Complainants

(*) (R2 Suo Motu impleaded as per
order of this Hon`ble Court
dated 01/08/2022 in CrI.O.P.(MD)
No.5218/2022 by GIJ)

For Petitioners : M/s.Raamakrishnan KA. Advocate

For Respondents : Mr.M.Aasha (R1)
Government Advocate (CrI.Side)

For Intervenor : Mr.A.Sahayaphilomin (R2)



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

PRAYER :-

For Anticipatory Bail in Crime No.03 of 2022 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 498(A) IPC and Section 4 of Dowry Prohibition Act, in Crime No.3 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused married the defacto complainant on 14.11.2021 and after marriage, the defacto complainant got pregnant and the accused persons demanded dowry either to live or to abort her pregnancy. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are innocent and they had not committed any such offence, as alleged by the prosecution. There was no physical relationship with the first accused and the defacto complainant and the first accused filed a suit for the relief of declaration, to declare the marriage between them as null and void, in O.S.No.159 of 2021, on the file of Principal District Munsif, Ramanathapuram. The defacto complainant has not lived with the petitioners under the same roof, even for single day. The petitioners are the in-laws of the defacto complainant. They are in no way connected with the offence. In this case, there is no need for the custodial interrogation of these petitioners. Hence, prays to release them on anticipatory bail.

4. On the side of prosecution, it is stated that the first accused is the husband of defacto complainant, accused Nos. 2 to 4, who are petitioners herein are the in-laws of the defacto complainant. Due to love affair, the defacto complainant got pregnant before the marriage with the first accused and after that, marriage was took place between them on 14.11.2021, in the presence of the petitioners. Now the first accused had abandoned the defacto complainant and her six month old child. There is a specific overt act attributed against each of the petitioners and hence their custodial interrogation is very much necessary in this case. Further more, investigation is also not yet completed and hence, prayed to dismiss the petition.



5. Considering the gravity of the offence, the overblown act attributed against the petitioners and the nature of serious allegations levelled against the petitioners and also taking note of the vehement objection raised by the prosecution, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
11/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

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

ORDER
IN
CRL OP(MD) No.5218 of 2022
Date :11/10/2022

SP/GB/SAR I/14/10/2022/3P/3C