



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

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

CRL OP(MD). No.6639 of 2022

1. A.Nagarajan Arunachalam

2. N.Anusha Nagarajan

... Petitioners/Accused No.2 & 3

Vs

The State Rep.by

The Inspector of Police,

All Women Police Station,

Nagercoil,

Kanyakumari District.

Crime No.15 of 2022.

... 1st Respondent / Complainant

Krishnaveni

... 2nd Respondent / Defacto Complainant

... Petitioner / Intervenor

IN CRL MP(MD).14546 OF 2022

For Petitioner : M/s.Anto Prince G,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For Intervenor : Mr.T.Selvakumaran, Advocate.

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

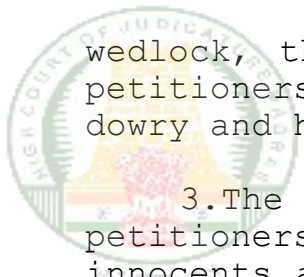
PRAYER :-For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 498(A), 294(b) and 506(1) IPC and Section 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.15 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1 and the de-facto complainant are husband and wife. The marriage between A1 and the de-facto complainant was solemnized on 30.11.2021. Out of the

<https://www.mhc.tn.gov.in/judis>



wedlock, they have blessed with a male child. After marriage the petitioners along with A1 have subjected to her cruelty, and dowry and harassed her. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are in-laws of the de-facto complainant and they are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners are in-laws of the de-facto complainant and all the accused demanded more dowry from the de-facto complainant and cruelly harassed her. She would further submit that it is a matrimonial dispute and two witnesses have been examined and the investigation is pending. Hence, she prayed for dismissal of this petition.

5.The learned counsel for the intervenor would submit that the petitioners along with A1 harassed the de-facto complainant by demanding additional dowry. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners are in-laws of the de-facto complainant and two witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila/Judicial Magistrate Court, Nagercoil, Kanyakumari 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 learned Magistrate concerned and on further conditions that:

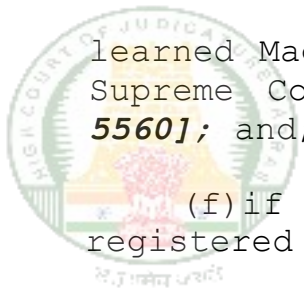
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am 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 Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) 5560]**; and;



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

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/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL MAHILA/
JUDICIAL MAGISTRATE, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6639 of 2022
Date :28/11/2022

SJI
MK/VR/SAR IV/13.12.2022/3P/5C