



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

Date : 19/05/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.7914 of 2022

WEB COPY

1. Pitchai,

2. Chandra,

... Petitioners/Accused Nos. 2 & 3

Vs

The State Rep by,
The Inspector of Police,
Uthappanayakanur Police Station,
Madurai District.
(Crime No.8 of 2022).

... Respondent/Complainant

For Petitioner : MR.S.Balaji, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 174 of Cr.P.C altered into 304(B) of IPC, in Crime No.8 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the son of the petitioners and the daughter of the defacto complainant on 24.08.2020. After the marriage, the petitioner and his family members demanded dowry from the daughter of the defacto complainant and mentally tortured her. Due to which, she consumed poison and died on 15.01.2022. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) for the respondent police submitted that the investigation is almost completed and the first petitioner was arrested by the respondent



5. Since the first petitioner has been arrested by the respondent Police, the question of granting anticipatory bail does not arise at all. Accordingly, the Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

6. However, considering the facts and circumstances of the case and the nature of allegations levelled against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, this criminal original petition is allowed and the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Usilampatti, Madurai District, on condition that the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the second petitioner shall report before the respondent police as and when required for interrogation.

[c] the second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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]**.

sd/-
19/05/2022

/ TRUE COPY /

20/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



ssb/das

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 JUDICIAL MAGISTRATE NO.II,
USILAMPATTI, MADURAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
UTHAPPANAYAKANUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.BALAJI, Advocate (SR-4970[I] dated 20/05/2022)

ORDER

IN

CRL OP(MD) No.7914 of 2022

Date :19/05/2022

PKP/JM/SAR-2/20.05.2022/3P/6C