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CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2022

PRESENT

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

CRL OP(MD) . No.7782 of 2022

1.A.Joseph John Bissar

2.T.Antonyraj

3.A.Jancy Rani

4.A.Abishake

... Petitioners/Accused Nos.1 to 4

Vs

The Inspector of Police,
All Women Police Station,
Thoothukudi.
(Crime No.2/2022)

... Respondent/Complainant

K.Ponsha

... Petitioner/Intervenor/
Defacto Complainant
in CRL MP(MD) No.5786 of 2022

For Petitioners : M/s. Shaji Chellan.L.,
Advocate.

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

For Intervener : Mr.K.Rajeshwaran

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

PRAYER :-

For Anticipatory Bail in Crime No.2/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners sought permission of this Court to withdraw this petition insofar as the first petitioner is concerned and he has also made an endorsement to that effect.

<https://www.mhco.org/>



2. Recording the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner is concerned.

3. The petitioners 2 to 4/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 of IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.02 of 2022, seek anticipatory bail.

4. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 23.12.2020. After marriage, the accused persons harassed the defacto complainant by demanding more dowry. Hence, the complaint.

5. The learned counsel for the petitioners 2 to 4 would submit that the first accused is the husband of the defacto complainant and the petitioners 2 to 4 are only in-laws to the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioners, a false case has been foisted against them. He would further submit that the petitioners 2 to 4 are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

6. The learned Government Advocate(crl.Side) would submit that it is a matrimonial dispute. Due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant and there is a specific allegation levelled against the petitioners 2 to 4. He would further submit that investigation is not yet completed. Hence, he opposed to grant of anticipatory bail to the petitioners 2 to 8.

7. The learned counsel appearing for the intervener vehemently opposed for grant of anticipatory bail to the petitioners 2 to 4.

8. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that it is a matrimonial dispute and the petitioners 2 to 4 are only in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 8 with certain conditions.

9. Accordingly, the petitioners 2 to 4 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 Judicial Magistrate No.IV, Thoothukudi, on condition that the petitioners 2 to 4 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on

https://www.court.gov.in/conditions that:



a) the petitioners 2 to 4 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 2 to 4 shall report before the respondent police daily at 10.30 am until further orders;

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 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 2 to 8 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/11/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOOTHUKUDI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to M/S. SHAJI CHELLAN.L. Advocate SR.No.12801
+1. C.C. to M/S.K.RAJESHWARAN Advocate SR.No.54069 (F)

ORDER

IN

CRL OP(MD) No.7782 of 2022

Date :10/11/2022

SS/BUC/SAR III/21.11.2022/ 3P/ 7C

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