



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

PRESENT

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

CRL OP(MD) . No.7928 of 2022

1. Vinothkumar
2. Selvaraj
3. Govinthammal
4. Ganesan

... Petitioners/Accused
No.1 to 4

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No. 26 of 2022).

... Respondent/Complainant

- (*) 2. Sandhiya

... 2nd Respondent/Defacto
Complainant

- (*) (R2-Suo Motu impleaded as per order
of this Hon'ble Court in Crl.O.P.(MD)
No.7928/2022 dated 28.04.2022 by KMSJ)

For Petitioner : Mr.R.Anand, Advocate

For 1st Respondent : M/s.M.Aasha
Government Advocate (Crl.Side)

For 2nd Respondent : A.Uthayakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.26 of 2022 on the file of
the Respondent police.



ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4 of Dowry Prohibition Act, 1961, Sections 294(b), 406, 498(A) and 506 (i) IPC in Crime No.26 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have demanded additional dowry of 15 sovereigns of gold jewels and Rs.15,00,000/- for the purchase of house from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that it is a case of matrimonial dispute and the investigation of the case was completed and the charge sheet has also been filed before the concerned Court. However, considering the gravity of offence, she strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute and the charge sheet has already been filed before the Court concerned, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Judicial Magistrate, Theni, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

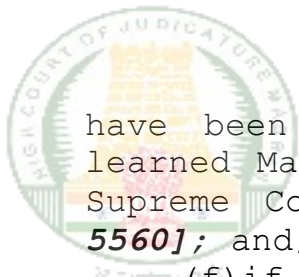
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the concerned Court on each and every hearing date without fail;

(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 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/-

03/11/2022

/ TRUE COPY /

/11/2022

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

TRP

TO

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

ORDER

IN

CRL OP(MD) No.7928 of 2022

Date :03/11/2022

SP/BUC/SAR II/18/11/2022/3P/5C