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

Date : 31/10/2022

PRESENT

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

CRL OP(MD) . Nos.9237 and 11585 of 2022

1. S.Deivakani @ Devi

2. S.Sorimuthu

3. K.Ponrani

4. C.Doltan

5. K.Anitha

6. A.Mayilraj

... Petitioners/Accused Nos.4 to 9
in Crl.O.P(MD).No.9237/22

K.Arumugarajan

... Petitioner /Accused No.1
in Crl.O.P(MD).No.11585 /22

Vs

The State rep.by,
The Sub Inspector of Police,
All Women Police Station,
Alangulam,
Thenkasi District.
Crime No.11/2022.

... Respondent/Complainant
in both petitions

For Petitioners in
Crl.O.P(MD).No.9237 of 2022 : M/s.Kalimuthu.N.,
Advocate.

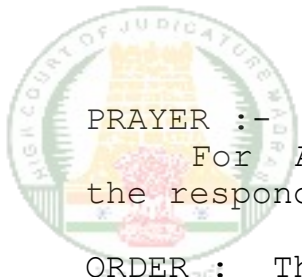
For Petitioners in
Crl.O.P(MD).No. 11585 of 2022: M/S.SRIDHARAN.M, Advocate

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

For Intervenor
in Crl.O.P(MD).No.9237/22 : Mr.K.Sivabalan, Advocate

For Intervenor
in Crl.O.P(MD).No.11585 / 22 : Mr.M.S.Jayakarthish, Advocate

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



PRAYER :-

For Anticipatory Bail in Crime No. 11 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

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The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 417, 506(i) IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.11 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant loved each other for one year and due to that the defacto complainant become pregnant. But, the petitioners herein have compelled her to abort the same. Further, the petitioners herein have demanded Rs.4,00,000/- and 500 gms of gold jewels from the defacto complainant and made torture both mentally and cruelly. Hence, the complaint.

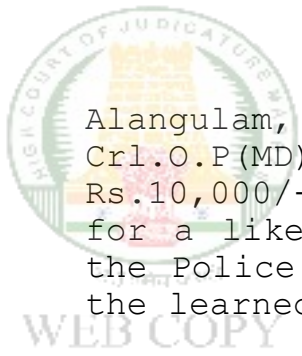
3.The learned counsel for the petitioners would submit that the alleged marriage between the defacto complainant and the A1 had held on 13.02.2022 without the knowledge of the other accused. He would further submit that A1 has already filed the suit in O.S.No.26 of 2022 before the District Munsif Court, Alangulam for declaring the marriage between him and the defacto complainant as null and void and the same is still pending and seeks anticipatory bail.

4. The learned Government Advocate(Crl.Side) would submit that A1 is husband of the defacto complainant and the other petitioners are in-laws. He would further submit that by demanding additional dowry, the petitioners have tortured her and the co-accused have already released on bail by the trial Court. He would further submit that the investigation of the case is pending and strongly opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor submitted that A1 has compelled the defacto complainant for aborting her child and the petitioners herein are arranging second marriage for A1 and seeks dismissal of these petitions.

6.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute and the petitioners in Crl.O.P(MD).No.9237 of 2022 are in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners in Crl.O.P(MD).No.9237 of 2022 with certain conditions.

7.Accordingly, the petitioners in Crl.O.P(MD).No.9237 of 2022 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 this order, before the learned Judicial Magistrate,



Alangulam, Tenkasi District on condition that the petitioner in Crl.O.P(MD).No.9237 of 2022 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 in Crl.O.P(MD).No.9237 of 2022 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 in Crl.O.P(MD).No.9237 of 2022 shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners in Crl.O.P(MD).No.9237 of 2022 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners in Crl.O.P(MD).No.9237 of 2022 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 Crl.O.P(MD).No.9237 of 2022 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.

8. Considering the serious nature of allegations made against the petitioner / A1 in Crl.O.P(MD).No.11585 of 2022, the Crl.O.P (MD).No.11585 of 2022 is dismissed.

(Sections amended vide order dated 15.06.2022 made in Crl MP (MD) No.6415 in 2022 in Crl OP (MD) No.9237 of 2022 by KMSJ)

sd/-
31/10/2022

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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, ALANGULAM, TENKASI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM,
TENKASI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SRIDHARAN, Advocate (SR-12171[I] dated 01/11/2022)

ORDER

IN

CRL OP (MD) . Nos. 9237 and 11585 of 2022

Date : 31/10/2022

RK/BUC/SAR-3 (16/11/2022) 6P/6C