



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

Date : 18/05/2022

PRESENT

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

CRL OP(MD) . No.9448 of 2022

1. Shanmugasundaram,

2. Jothi, .. Petitioners/Accused Nos.2 & 4

Vs

The State rep. by  
The Inspector of Police,  
All Women Police Station, Musiri,  
Trichy District.  
(Crime No.9/2022).. ... Respondent/Complainant

For Petitioner : M/s.Karunanithi M,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A, 354-B and 294(b) of IPC r/w Section 4 of Tamil Nadu Dowry Harassment Act, 1961, in Crime No.9 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant took place on 10.09.2021. The respondents are the father-in-law and the mother-in-law of the



defacto complainant. After marriage, the first accused and the petitioners harassed the defacto complainant by demanding dowry and the father-in-law attempted to misbehave with her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending. He further submitted that as per the FIR, within one year, there was a dispute between them.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, Trichy District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Aadhaar card or bank pass book to ensure their identity.

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

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

[d]the petitioners shall not abscond either during investigation or trial.

[f]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]**.

7. Since this matter relates to matrimonial dispute, this Court directs the accused persons and the defacto complainant to appear



before the Mediation Centre at Trichy. The Mediator shall conduct the Mediation between the parties for atleast five sittings and to resolve the dispute between the parties. If the accused persons fail to co-operate for mediation, the order now passed by this Court will stand vacated automatically.

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sd/-  
18/05/2022

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

RMI

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, Musiri, Trichy District.
2. Do Through The Chief Judicial Magistrate,  
Trichy.
3. The Inspector of Police,  
All Women Police Station, Musiri,  
Trichy District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

Copy to  
The officer Incharge,  
Mediation Center, Trichy.

ORDER  
IN  
CRL OP(MD) No.9448 of 2022  
Date : 18/05/2022

TR/PN/SAR-IV(23.05.2022) 3P 6C