



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/05/2022

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PRESENT

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

**CRL OP(MD) . No.9428 of 2022**

1. N.Prakash  
2. Nagarajan  
3. N.Mallika

... Petitioners/Accused  
Rank Not Known

Vs

State rep.by  
The Inspector of Police,  
All Women Police Station,  
Kovilpatti,  
Thoothukudi District.

... Respondent/Complainant

For Petitioners : M/s.M.Prabu, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.Not known of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) of IPC r/w. Section 4 of Dowry Prohibition Act, in Crime No.Not known of 2022, seek anticipatory bail.

2. The first petitioner is the husband of the defacto complainant and petitioners 2 and 3 are her in-laws. The case of the prosecution is that after the marriage, the petitioners harassed the defacto complainant by demanding more dowry. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The learned counsel further submitted that the marriage between the first petitioner and the defacto complainant was solemnized on 28.01.2015. After the marriage, the first petitioner went abroad along with the defacto complainant and after 18 months, they returned back to India. Thereafter, due to some misunderstanding, the defacto complainant left the matrimonial house along with her jewels and sreedhana properties. Though the first petitioner went to the defacto complainant's house and convinced her, she did not accept the same. Thereafter, the first petitioner issued a legal notice to the defacto complainant on 30.09.2020 for restitution of conjugal rights, but, she did not reply to the said notice. Therefore, the first petitioner filed a petition for divorce in I.D.O.P.No.79 of 2020 before the Principal District Judge, Thoothukudi. Thereafter, the defacto complainant lodged this false complaint against the petitioner. Hence, he prayed for grant of anticipatory to be petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending.

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 No.I, Kovilpatti, Thoothukudi, 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

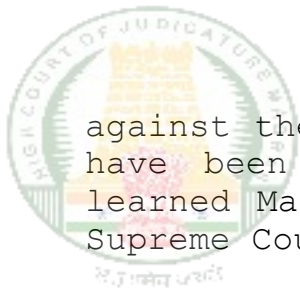
**[b]** the first petitioner shall report before the respondent police on every Wednesday and Saturday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation. The 2<sup>nd</sup> and 3<sup>rd</sup> petitioners shall report before the respondent Police as and 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

<https://hcservices.ecourts.gov.in/hcservices/>

**[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]**.

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

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TO

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

ORDER  
IN  
CRL OP(MD) No.9428 of 2022  
Date :18/05/2022

SP/PN/SAR IV/24/05/2022/3P/5C