



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) . Nos.9478 and 9539 of 2022

Crl.O.P. (MD)No.9478 of 2022:

Agnes @ Agnel ... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Crime No.24 of 2022

... Respondent / Complainant

Crl.O.P. (MD)No.9539 of 2022:

1. Albert Nobil @ Alfred M.Nevis
2. Negi Albert @ Magy Alfred ... Petitioners/Accused Nos.2 and 3

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Crime No.24 of 2022

... Respondent / Complainant

In both the petitions:

For Petitioners : Mr.K.Jerish Neeraj
Advocate.

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

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

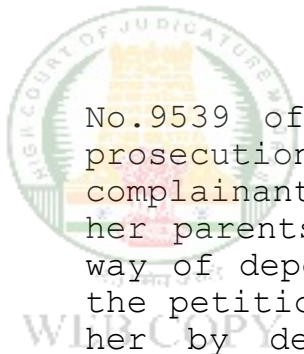
COMMON PRAYER :-

For Anticipatory Bail in Crime No.24 of 2022 on the file of the Respondent Police.

COMMON 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), 406, 420 and 506(i) IPC and 3(i), 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.24 of 2022, seek anticipatory bail.

2. The petitioner in Crl.O.P.(MD)No.9478 of 2022/A1 is the husband of the defacto complainant. The petitioners in Crl.O.P.(MD)
<https://hcservices.ecourts.gov.in/hcservices/>



No.9539 of 2022/A2 and A3 are parents of A1. The case of the prosecution is that the marriage between A1 and the defacto complainant was solemnized on 29.12.2017. At the time of marriage, her parents had given 75 sovereigns of jewels and Rs.5,00,000/- by way of deposit in the name of the defacto complainant was given to the petitioner. After six months, the petitioners/A1 to A3 harassed her by demanding more dowry. Thereafter, A1 took the defacto complainant from Maharashtra and dropped her at Thiruvananthapuram Air Port and left. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Due to misunderstanding, A1 and the defacto complainant were separated from 2019 onwards. In order to harass the petitioners, this false complaint has been lodged. Hence, he prayed for grant of anticipatory bail to the petitioners.

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, the nature of allegations levelled against the petitioners and also considering the submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioner.

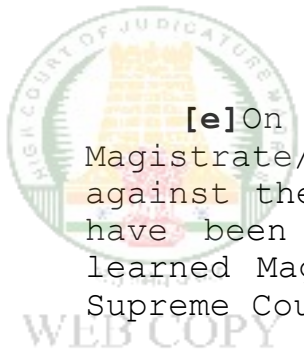
6. Accordingly, this criminal original petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari 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 petitioner in Crl.O.P.(MD)No.9478 of 2022/A1 shall report before the respondent Police on the first working day of every Month at 10.30 a.m., until further orders. The petitioners in Crl.O.P.(MD)No.9539 of 2022/A2 and A3 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.



[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]**.

7. Since it is a matrimonial dispute, this Court directs the petitioners and the defacto complainant to appear before the Mediation Centre attached to Nagercoil District Court. Since the petitioners are residing at Maharashtra, the Mediator shall mediate the parties for atleast ten sittings, not less than one sitting in every month and resolve the dispute between the parties. If the petitioners fail to co-operate for mediation, the order now passed by this Court shall stand vacated automatically.

sd/-

18/05/2022

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/ /2022

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

TO

- 1 THE JUDICIAL MAGISTRATE No.I,
PADMANABHAPURAM,
KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE MEDIATION CENTRE ATTACHED TO NAGERCOIL DISTRICT COURT,
NAGERCOIL.

+2. CC to M/S.SREENIVASA M.R. Advocate SR.No.4740, 4741

ORDER

IN

CRL OP (MD) Nos.9478

and 9539 of 2022

Date :18/05/2022