



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.9456 of 2022

1. M.B.Vilvapathy
2. M.B.Jayachithra

... Petitioners/Accused Nos. 1 & 2

Vs

The State Rep.by,
The Inspector of Police,
All Women Police Station,
Pattukottai,
Tanjore District.
(Crime No. 8/2022)

... Respondent

For Petitioners : Mr.C.M.Arumugam, Advocate.

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

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

PRAYER :-

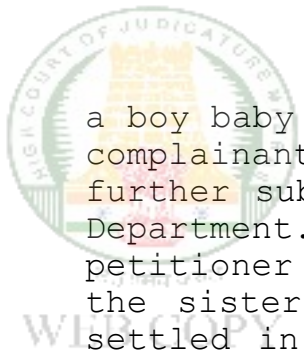
For Anticipatory Bail in Crime No.8 of 2022 on the file of the Respondent Police.

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) and 406 IPC and Section 4 of Dowry Prohibition Act, in Crime No.8 of 2022, seek anticipatory bail.

2. The defacto complainant is the wife of the first petitioner. The first petitioner is the younger brother of the second petitioner. The case of the prosecution is that the petitioners harassed the defacto complainant by demanding more dowry. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the marriage between the first petitioner and the defacto complainant was solemnized on 28.06.2017 and thereafter, they were blessed with



a boy baby on 01.07.2018. Due to some misunderstanding, the defacto complainant along with her child left the matrimonial home. He further submitted that the petitioner is serving in the Statistical Department. Therefore, there is no necessity for the first petitioner to demand dowry. Further, the second petitioner, who is the sister of the first petitioner, got married much earlier and settled in Karur District. Therefore, she has no direct nexus in the marital life of the petitioner and she is serving in a Government Higher Secondary School in Karur as a Post Graduate Assistant in Tamil. However, the defacto complainant, in order to harass the petitioners, filed this false complainant. 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 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, Pattukottai, Tanjore 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 first petitioner shall report before the respondent police on every Sunday at 10.30 a.m. For a period of three months and thereafter, as and when required for interrogation. The 2nd petitioner 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, the first petitioner and the defacto complainant along with their family members are directed to appear before the Mediation Centre attached to Thanjavur District Court. The Mediator shall mediate the parties for atleast five sittings and resolve the dispute between the parties. If the first petitioner fails to co-operate for mediation, the order now passed by this Court shall stand vacated automatically.

sd/-

18/05/2022

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

TO

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

COPY TO

THE OFFICER INCHARGE,
MEDIATION AND CONCILIATION CENTRE
ATTACHED TO THANJAVUR DISTRICT COURT,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.9456 of 2022

Date :18/05/2022

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PKP/PN/SAR-4/23.05.2022/3P/6C

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