



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.10160 of 2022

1. Thara
2. Gunasekaran

... Petitioners/Accused 2 & 3

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Srirengam,
Trichy City, Trichy.
(Crime No.15 of 2022)

...Respondent/Complainant

For Petitioners: Mr.M.Subash Babu,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

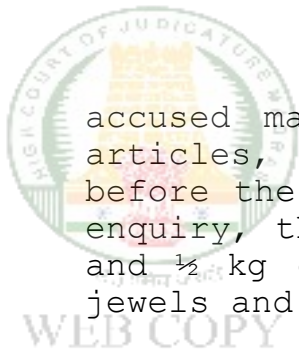
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.2 & A.3, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 406 IPC, in Crime No.15 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant's daughter are husband and wife and due to wedlock, they have been blessed with two children. During the time of marriage, the defacto complainant offered 41 sovereigns of gold jewels, 1½ kgs of silver articles and household articles worth about Rs.2,00,000/- to the first accused and the petitioners and after marriage, the first accused and the petitioners demanded dowry and harassed the defacto complainant's daughter and also not permitted her to see the children. Due to blood cancer, the defacto complainant's daughter died on 04.05.2021. Thereafter, the first



accused married another girl and refused to return the sridhana articles, for which, the defacto complainant preferred a complaint before the All Women Police Station, Ponmalai. During the course of enquiry, the first accused handed over 6¼ sovereigns of gold jewels and ½ kg of silver articles, but refused to return the remaining jewels and articles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners are not having any previous cases.

5.Admittedly, the petitioners are the parents of the first accused.

6.Considering the nature of the charges levelled against the petitioners and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 cum Additional Mahila Court, Trichy, 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 daily at 10.30 a.m., for a period of one month and thereafter, 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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
09/06/2022

/ TRUE COPY /

14/06/2022

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

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 CUM ADDITIONAL MAHILA COURT,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION, SRIRENGAM,
TRICHY CITY, TRICHY.

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

+1 CC to Mr.M.SUBASH BABU, Advocate (SR-5372[I] dated 10/06/2022)

ORDER
IN
CRL OP(MD) No.10160 of 2022
Date :09/06/2022

CSM
MK/JM/14.06.2022/3P/6C