



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

Date : 24/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.11300 of 2022

1 MAHALAKSHMI
2 MURUGESAN
3 SIVACHITRA
4 SENTHILKUMAR

... PETITIONERS / ACCUSED No.2 to 5

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TRICHY, TRICHY DISTRICT
(CRIME NO. 13 OF 2022)

... RESPONDENT / COMPLAINANT

(*) 2 KEERTHIKA
3 MANIKANDAN

... RESPONDENTS 2 & 3

(*) (R2 AND R3 SUO MOTU IMPLEADED AS PER
ORDER OF THIS HON'BLE COURT DATED
24.06.2022 IN CRL.OP(MD)No.11300/2022)

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

For Respondent : Mrs.M.Aasha,
Government Advocate (Cr1.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 13 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos. 2 to 5, who apprehend arrest at
the hands of the respondent police for the offences punishable under
Section 498(A), 294(b) and 506(ii) of IPC in Crime No.13 of 2022 on
the file of the respondent police, seeks bail.

2.The case of the prosecution is that the marriage between the
first accused and the defacto complainant was solemnized on
07.02.2020. After marriage, there is some dispute arose between



them and also the petitioners and other accused harassed the complainant by demanding more dowry, threatened her and driven her out of the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are in-laws to the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioners and their family members, a false case has been foisted against them. He would further submit that the defacto complainant voluntarily went away from the matrimonial home and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit it is a matrimonial dispute. Due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant and there is a specific allegation levelled against the petitioners. She would further submit that in this case, till now, six witnesses were examined and investigation is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that it is a matrimonial dispute and the petitioners are only in-laws of the defacto complainant and six witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioners shall not tamper with 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/11/2022

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/12/2022

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

TO

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

ORDER
IN
CRL OP(MD) No.11300 of 2022
Date : 24/11/2022

CP
USK/BUC/SAR-II/07.12.2022/3P/5C