



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.11465 of 2022

1.Nithiya Jeeviam

2.Jeya Mary

... Petitioners/Accused Nos.2&3

Vs

1.The State represented by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.10/2022)

2.Infanto Hearty Shamirna

... Respondent/Complainant

(R2 Suo motu impleaded as per order
of this Court dated 28.06.2022 in
CRL OP(MD)No.11465 of 2022 by GIJ)

For Petitioners : M/s.Vijayakumar S,
Advocate.

For R1 : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For R2 : Mr.B.Fazil Kirmani

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

PRAYER :-

For Anticipatory Bail in Crime No.10/2022 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable **(*)under Sections 498
(A), 294(b), 323, 506(i) of IPC and Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, 2022** in Crime No.10 of 2022,
seek anticipatory bail.



2. The case of the prosecution is that the first accused married the defacto complainant on 03.02.2021 and after marriage, the accused persons harassed the defacto complainant, by way of demanding additional dowry and also threatened her with dire consequences. Hence, the complaint.

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

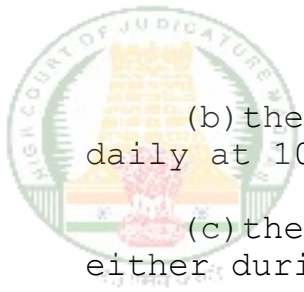
4. The learned Government Advocate (Crl. Side) would submit that due to the harassment of the accused persons, this complaint was lodged by the defacto complainant and the petitioners are in-laws of the defacto complainant and there is a specific allegation levelled against the petitioners. He would further submit that three witnesses have been examined so far and the investigation is not yet completed. Hence, he strongly opposed for grant of bail.

5. The learned counsel appearing for the second respondent vehemently opposed for grant of anticipatory bail to the petitioners.

6. 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 to the defacto complainant, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Fast Track Mahila Court (Magisterial level), Srivilliputhur, 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 responder 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/-

26/10/2022

**(*) AMENDED AS PER ORDER OF THE COURT
DATED 24.11.2022 IN CRL MP(MD)
NO.14467 OF 2022 IN CRL OP(MD)
NO.11465 OF 2022**

**TIME GRANTED BY THIS COURT TO COMPLY
WITH THE CONDITION IMPOSED VIDE
ORDER DATED 26.10.2022 IN CRL.O.P.
(MD) NO.11465 OF 2022 IS EXTENDED FOR
A PERIOD OF TWO WEEKS FROM THE DATE
OF RECEIPT OF AMENDED COPY OF THIS
ORDER.**

/ TRUE COPY /

/12/2022

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

CP

TO

1 THE JUDGE, FAST TRACK MAHILA COURT (MAGISTERIAL LEVEL),
SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

<https://www.mhc.tn.gov.in/judis>



3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

+2 CC to M/S.S.VIJAYAKUMAR, Advocate SR-13570, 13571.

ORDER

IN

CRL OP(MD) No.11465 of 2022

Date :26/10/2022

SS/GB/SAR I/07/11/2022/ 4P 6C
RK/BUC/SAR-3(06/12/2022) 4P/7C