



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.12207 of 2022

WEB COPY

1. Jebaraj Daniel
2. Sujatha
3. Sheeba

... Petitioners/Accused No.1 to 3

Vs

- 1.State Rep.by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
Cr.No.22/2020.

... Respondent/Complainant

- 2.Tamilselvi,
(R2 is Suo Motu impleaded as per order
of this Hon'ble Court dated 07.07.2022
in CRL OP(MD).12207/2022)

... 2nd Respondent

For Petitioners : Mr Rajiv Rufus.V,
Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

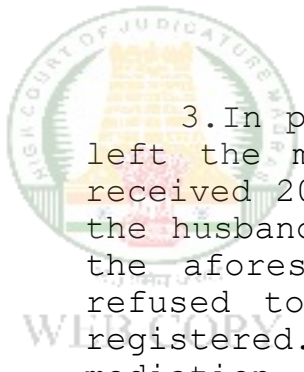
PRAYER :-

For Anticipatory Bail in Cr.No.22/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 498(A) and 406 IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.22 of 2020 on the file of the respondent police.

2.The case of the prosecution is that on 04.03.2019, the marriage between the defacto complainant and the deceased husband took place. At the time of the marriage, the defacto complainant was provided with sufficient seervarisai and house hold articles apart from jewels. Right from the marriage, there was harassment demanding 10 sovereigns of more gold jewel. When that was intimated to the husband, he did not take any care and left for Chennai, where he was working.



3. In pursuance of the aforesaid demand, the defacto co-accused left the matrimonial home. At the time of marriage, the wife received 20 sovereigns of gold jewel. Because of the drunken habit, the husband committed suicide on 09.01.2020. When she demanded back the aforesaid 20 sovereigns of gold jewel, the accused persons refused to give the same, upon which the present case has been registered. On the earlier occasion, the matter was referred to mediation, since only the return of gold jewel was under dispute.

4. The learned counsel for the petitioners would submit that even though the petitioners appeared before the mediation centre, in none of the hearings, the defacto complainant appeared. According to him, the defacto complainant also got married and settled in life with some other person.

5. Considering the aforesaid issue and also considering the fact that the defacto complainant did not appear before the mediation centre for mediation process, 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, before the learned Judicial Magistrate, Tiruchendur, Thoothukudi District, 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 learned Magistrate concerned and the petitioners shall appear before the respondent police once in 15 days until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed. The defacto complainant is at liberty to initiate action for recovery of the gold jewel, which are in the hands of the accused persons, as per law.

sd/-

10/08/2022

/ TRUE COPY /

/08/2022

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, TIRUCHENDUR, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, TIRUCHENDUR,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.RAJIV RUFUS.V, Advocate (SR-8419[I] dated 11/08/2022)

ORDER

IN

CRL OP(MD) No.12207 of 2022

Date :10/08/2022

MM

RS/JM/SAR.4 (25.08.2022) 3P-6C