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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.12217 of 2022

1. Ayyammal
2. Pushpam
3. Logumani
4. Chandrasekeran ... Petitioners/Accused No.4 to 7

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No.69/2021 ... Respondent/Complainant

For Petitioners: M/s.Jeyakumar.B, Advocate.

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

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

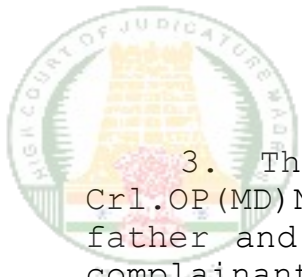
PRAYER :-

For Anticipatory Bail in Cr.No.69/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.4to7, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 294(b), 323, 109, 354, 448, 506(1) and 498(A) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.69 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant got married to the first accused. At the time of marriage, 100 sovereigns of gold jewels and cash amount Rs.20 lakhs was given as sridhana. After marriage, they lived in a joint family and the accused persons harassed and abused the defacto complainant by demanding Rs.1 ½ crore. Hence, the complaint.



3. The learned counsel for the petitioners submitted that CrI.OP(MD)No.20343 of 2022 was filed by the first accused and his father and mother, who are the husband and in-laws of the defacto complainant. The matter was referred to mediation for settlement. Now, it is pending before the Mediation Centre. These petitioners are maternal and paternal uncle of the first accused. They were no way involved in the dispute between the husband and wife .

4. Reading of the FIR shows that, because of the controversy between all the relatives of the first petitioner, alleged occurrence took place in 2021. Assault said to have took place in the house of the defacto complainant by the first accused. Further reading of the FIR shows that during the matrimonial proceedings, there was compromise between the parties.

5. The learned counsel for the petitioners would submit that after compromise, trouble raised by the father of the defacto complainant. Over which, the present complaint, came to be filed.

6. Considering the facts and circumstances of the case and also considering the fact that limited allegation that has been made against the petitioners that the petitioners joined and instigated the first accused to cause the above said assault and in view of the pendency of the matter is pending before the Mediation Centre, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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, Theni, Theni 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 daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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 stands dismissed.

Sd/-

07/07/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.I)
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,
THENI, THENI DISTRICT..
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THENI,
THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. JEYAKUMAR.B Advocate SR.No.6829

ORDER
IN
CRL OP(MD) No.12217 of 2022
Date :07/07/2022

SP/SVR/SAR I/14/07/2022/3P/6C