



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

Date : 20/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13079 of 2022

1. Manolakshmi
2. Vigneshwarar

... Petitioners/Accused No.4&5

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Tenkasi.

(Crime No.9 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar.C,
Advocate.

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

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

PRAYER :-

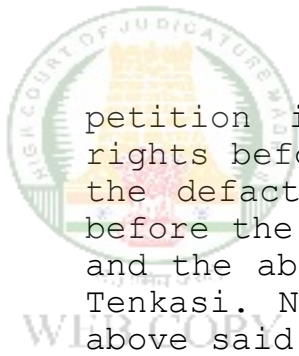
For Anticipatory Bail in Crime No. 9 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.4 & 5, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406 IPC and Section 4 of Dowry Prohibition Act, in Crime No.9 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the first accused are husband and wife. The petitioners were arrayed as accused 4 & 5 in the FIR. The fourth accused is the sister-in-law of the defacto complainant and the fifth accused is the husband of the fourth accused. The accused persons said to have harassed the defacto complainant by demanding additional dowry. Hence, present case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the first accused filed a



petition in HMOP.No.41 of 2022 seeking restitution of conjugal rights before the Sub Court, Alandur, Chennai. Summon was issued to the defacto complainant and she has filed Tr.C.M.P.No.217 of 2022 before the Hon'ble Principal Seat at Madras and the same was allowed and the above said HMOP.No.41 of 2022 was transferred to Sub Court, Tenkasi. Now, it is pending before the Court. After filing of the above said petition only, present case has been filed by the defacto complainant.

5. Reading of the FIR shows that it is a matrimonial dispute between the husband and wife. The husband making some sort of allegation against the wife and the defacto complainant also making some sort of allegation against the husband. It appears that all are family members.

6. It is also further seen that even after filing of HMOP, the first accused sent a letter to the defcto complainant by setting out some of the issue that has been exist between them. From the letter, it is seen that the defacto complainant was insisted by the first accused to give consent for divorce. The defacto complainant also filed a divorce petition before the Principal Sub Judge, Tenkasi and other particulars are not available.

7. Considering the above said facts and circumstances of the case and also considering the fact that it is a dispute between the husband and wife and the petitioners herein are only in-laws, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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, Tenkasi, 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 as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. 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/-
20/07/2022

/ TRUE COPY /

/07/2022

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

+1 CC to M/s.C.SARAVANA KUMAR, Advocate (SR-7384[I] dated 20/07/2022)

ORDER

IN

CRL OP(MD) No.13079 of 2022

Date :20/07/2022

dss

USK/SVR/SAR-I/28.07.2022/3P/6C