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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.13746 of 2022

1. Shanmugam

2. Moorthy

... Petitioners/Accused No.1 & 2

Vs

1.The Inspector of Police,
All Women Police Station,
Jeeyapuram Police Station,
Trichy District.
Crime No.19 of 2022.

2. Keerthana

(R2 is Suo-Motu impleaded as per order of
this Court dated 29.07.2022 in Crl.OP(MD)
No.13746 of 2022 by GIJ).

... Respondents/Complainants

For Petitioner : M/s.Sakkarapani V,
Advocate.

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

For Intervenor : Mr.N.Shyllappa Kalyan,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2022 on the file of the
Respondent Police.



ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 498(A), 354, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.19 of 2022, seek anticipatory bail.

2.The first petitioner and the defacto complainant are husband and wife. The second petitioner is the father of the first petitioner. The marriage between the first petitioner and the defacto complainant was solemnized on 12.02.2020. After marriage, she started her matrimonial life in the matrimonial home. At the time of marriage, the defacto complainant was given sufficient sridhanas. From the date of marriage, the first petitioner along with second petitioner, harassed the defacto complainant by demanding additional dowry. Without tolerating the same, on 24.03.2021, she left the matrimonial home. Hence, the complaint.

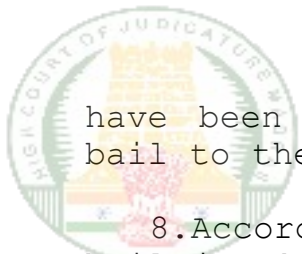
3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the first petitioner is ready to live with the defacto complainant. But, the defacto complainant is not willing to re-union. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervenor would submit that the certificates of the defacto complainant was received from the first petitioner and the gold jewels are still in the custody of the accused. Therefore, the custodial interrogation of the petitioners is necessary in this case. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) would submit that the petitioners herein abused the de-facto complainant in filthy language by demanding additional dowry of 40 sovereigns of gold jewels and also spitted in her face. 3 witnesses have been examined and the investigation is still pending. Hence, she strongly opposed to grant anticipatory bail to the petitioners.

6.At this juncture, the learned counsel appearing for the petitioners seek permission of this Court to not press this petition as against the first petitioner, who is the husband of the defacto complainant is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as against the first petitioner is concerned.

7.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute, the second petitioner is in-law of the de-facto complainant and 3 witnesses



have been examined, this Court is inclined to grant ant. bail to the second petitioner with certain conditions.

8. Accordingly, the second petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Trichy, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the second petitioner and the sureties shall affix his 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 second petitioner shall report before the respondent police daily at 10.30 am until further orders;

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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;

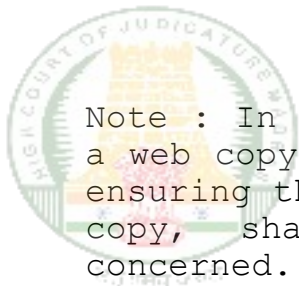
(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



Note : In view of the present lock down owing to COVID-19, 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.

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1. THE JUDGE, ADDITIONAL MAHILA COURT, TRICHY.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.V.SAKKARAPANI, Advocate (SR-13105[I] dated
16/11/2022)

ORDER

IN

CRL OP(MD) No.13746 of 2022

Date :14/11/2022

RD/SSS/SAR-2 (23/11/2022) 4P/5C