



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

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

CRL OP(MD) . No.13818 of 2022

1. Jenifer Diana
2. M.Sivakumar

... Petitioners/Accused
No.3 & 4

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.22/2022)

... Respondent/Complainant

(*) 2. Josephine Amirtha

... 2nd Respondent/Defacto
Complainant

(*) (R2 is Suo Motu impleaded as per Order
of the Hon'ble Court dated 01/08/2022
in Crl.O.P(MD) No.13818/2022 by GIJ)

For Petitioners : M/s. Lajapathi Roy.T, Advocate.

For 1st Respondent: Mrs.M.Aasha,
Government Advocate (Crl.Side)

For 2nd Respondent: Mr.G.Mohan Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.22 of 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),



406 and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.22 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the parties, the petitioners and other accused harassed the de-facto complainant by demanding additional dowry and driven her out of the matrimonial home. Hence, the complainant.

3.The learned counsel for the petitioners would submit that it a matrimonial dispute. The petitioners are in-laws of the defacto complainant. They are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners shall abide any condition imposed by this Court and they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners are in-laws of the defacto complainant and there is a specific allegations levelled against the petitioners. He would further submit that five 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 also considering the facts that it is purely 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 learned Judicial Magistrate No.IV, Thoothukudi, 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 respondent police 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/-
17/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.LAJAPATHI ROY.T Advocate SR.No.11552

+1. CC to M/S.G.Mohan Kumar, Advocate SR.No.11581

ORDER
IN
CRL OP(MD) No.13818 of 2022
Date :17/10/2022