



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.14019 of 2022

1. Nithiyan
2. Devi
3. Aravindhan
4. Nidharshana

... Petitioners/Accused Nos.1 to 4

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.17 of 2022).

... Respondent/Complainant

- (*) 2. Malathi

... 2nd Respondent/Defacto
Complainant

- (*) (R2-Suo Motu impleaded as per
order of the Hon'ble Court
dated 03.08.2022 in CrI.O.P. (MD)
No.14019/2022 by GIJ)

For Petitioners : M/s.Jeyakumaran J, Advocate

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

For 2nd Respondent : Mr.R.J.Karthick, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A) and 506(i) of IPC and Section 4 of Dowry Prohibition Act and Section 4 of Women Harassment Act, in Crime No.17 of 2022 on the file of the respondent police, seeks bail.



2.The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 10.01.2021. After marriage, the defacto complainant found that the first petitioner was impotent. While so, the second and third petitioners came to know about the medical treatment and blamed the complainant that she is having uterus problem and harassed the defacto complainant by demanding more dowry and also driven her out of the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is the husband and other petitioners are in-laws of the defacto complainant. After marriage, there is no cordial relationship with the spouses and the parents of the complainant pressurize the first petitioner to give consent divorce. He would further submit that the complainant's mother came to the first petitioner's house and forcibly took away the complainant with her. Only with a view to harass the petitioners and their family members, a false case has been foisted against them. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit it is a matrimonial dispute. Due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant and there is a specific allegation levelled against the petitioners. She would further submit that in this case, till now, three witnesses were examined and investigation is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.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 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.

6.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners 2 to 4 are in-laws of the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

7.Accordingly, the petitioners 2 to 4 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 Additional Mahila Court (Judicial Magistrate Level), Srivilliputhur, on condition that the petitioners 2 to 4 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 2 to 4 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 2 to 4 shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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/-

24/11/2022

/ TRUE COPY /

/12/2022

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

CP

TO

1. THE JUDGE, ADDITIONAL MAHILA COURT,
(JUDICIAL MAGISTRATE LEVEL), SRIVILLIPUTHUR.

2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.JEYAKUMARAN J Advocate SR.No.13660

ORDER

IN

CRL OP(MD) No.14019 of 2022

Date : 24/11/2022