



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15975 of 2022

1. Prabhu
2. Sunthararajan @ Sundar Raj
3. Vasantha
4. Padmavathi

... Petitioners/Accused

Vs

State Rep.by
The Inspector of Police,
AWPS Police Station, Lalgudi,
Tiruchirappalli District.
Crime No.12 of 2022.

... Respondent/Complainant

For Petitioners : M/s.N.Shyllappa Kalyan, Advocate
For Respondent : M/s.M.Aasha, Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2022 on the file of the respondent Police.

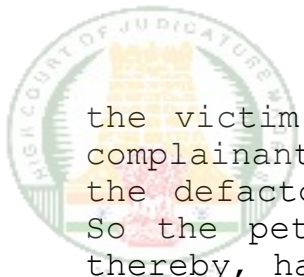
ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A), 506(i), 406 of I.P.C r/w Section 4 of Dowry Prohibition Act, in Crime No.12 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners harassed the defacto complainant, abused her in filthy language, threatened her with dire consequences.

3.On the side of the petitioners it is stated that the petitioners and the victim are close relatives. They were having two children. Even before the marriage the defacto complainant was in love with one Mr.Kamal. The defacto complainant and her ex-lover were continuing their relationship, when the same was questioned by the petitioners, the defacto complainant lodged a false case against the whole family.

4.On the side of respondent it is stated that totally four accused involved in the offence. A1 is the husband, A2 is the father-in-law, A3 is the mother-in-law and A4 is the sister-in-law of the defacto complainant. At the time of marriage, the parents of



the victim undertook to give 25 sovereigns of gold to the complainant and 5 sovereigns to A1 along with Rs.2 lakhs cash. But the defacto complainant was given only with 20 sovereigns of gold. So the petitioners demanded the balance 5 sovereigns of gold and thereby, harassing the defacto complainant. The defacto complainant is not having any illicit relationship with anybody and she does not know anything about the said Kamal and prayed to dismiss the petition.

5.This matter is a matrimonial dispute between the defacto complainant and her husband and in-laws. Considering the nature of the offence, considering that A1 and the defacto complainant are having two children and now they are with A1, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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, Lalgudi, on condition that the petitioners 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

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

(d)the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE, LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, AWPS POLICE STATION, LALGUDI,
TIRUCHIRAPPALLI DISTRICT.

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

+1 CC to M/s.N.SHYLLAPPA KALYAN, Advocate (SR-9652[I] dated
05/09/2022)

ORDER

IN

CRL OP(MD) No.15975 of 2022

Date :05/09/2022

PNM

RS/SBN/SAR.4 (13.09.2022) 3P-6C