



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.18062 of 2022

1. K.Dharmarajan
2. D.Chellammal
3. D.Nathiya
4. D.Baviya

... Petitioners/Accused Nos.2 to 5

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Tiruppathur,
Sivagangai District.
(Crime No.06/2022).

... Respondent/Complainant

For Petitioners	:	M/s.Mahendran K, Advocate.
For Respondent	:	Mr.S.Manikandan Government Advocate (Crl.Side)
For Defacto Complainant	:	Mr.Balasubramanian, Advocate.
For Intervenor	:	Mr.R.Anand, Advocate.

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

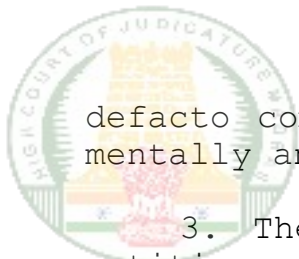
PRAYER :-For Anticipatory Bail in Crime No.6/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 342 and 506(i) of IPC read with Sections 4 and 6 of Dowry Prohibition Act, in Crime No.6 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 10.02.2020. After the marriage, the petitioners/in-laws of the

<https://www.mh10.gov.in>



defacto complainant demanded more dowry and also tortured mentally and cruelly. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners/A2 to A5 are in-laws and A1 is the husband of the defacto complainant, who is now at abroad due to his job avocation. He further submits that the husband of the defacto complainant/A1 is ready to take her to Canada and he took all steps to take her back, but the defacto complainant has lodged a false complaint against the petitioners and due to that, the petitioners were harassed.

4. The learned counsel for the intervenor submits that A1 has went to Canada and failed to maintain his wife, hence, she gave a complaint. Furthermore, he has not taken any steps to take his wife back to Canada and in order to obtain bail, they are giving false information before this Court.

5. By way of reply, the learned counsel for the petitioners submits that A1 has taken all steps to take her wife back to Canada and even he is ready to come down to India. He further submits that A1 is willing to pay interim maintenance to the defacto complainant.

6. The facts reveal that the marriage between the defacto complainant and A1 was solemnized on 18.10.2020 and within a short span of time, A1 left India and his wife/defacto complainant stayed at her parents' house without any source of income, but they have no issues.

7. Considering the family dispute pending between the parties within a short span of time, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppathur, on condition that each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with common 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 husband of the defacto complainant/A1 shall come down to India within six months from today, so as to settle the dispute between the parties amicably. In the meanwhile, A1 is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) per month towards interim maintenance in the defacto complainant's account, on



the first week of every English Calendar month, till the is modified by any of the proceedings of the Court of law.

(c) the petitioners shall report before the respondent police as and when required for interrogation.

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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]**;

(g) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC; and

(h) it is made clear that A1 should not be harassed by the respondent police when he comes to India, as per the order of this Court.

sd/-

07/10/2022

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07/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUPPATHUR,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-11078[I] dated 07/10/2022)

ORDER

IN

CRL OP(MD) No.18062 of 2022

Date :07/10/2022

smn2/pkn

<https://www.mhcbn.org/judis> MK/SEN/SAR.I/07.10.2022/3P/6C