



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.18037 of 2022

1. Janaki,

2. Gnanaselvi @ Selvi, ... Petitioners/Accused Nos. 2 & 3

Vs

State Rep.by

The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
Crime No. 8 of 2022.

... Respondent/Complainant

For Petitioners: M/s.Rajeswari A.S., Advocate.

For Respondent : M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 350 and 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.8 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 17.09.2015. After the marriage, the petitioners/in-laws of the defacto complainant scolded the defacto complainant in filthy language and also beaten her, demanding more dowry. Hence, the



3. The learned counsel for the petitioners submits that the petitioners/A2 and A3 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 petitioners are innocent persons and due to some family dispute, the defacto complainant has lodged a false complaint against the petitioners.

4. By way of reply, the learned counsel for the petitioners submits that A1 is ready to come down to India and settle the dispute between the parties amicably. He further submits that A1 is willing to pay interim maintenance to the defacto complainant.

5. The facts reveal that the marriage between the defacto complainant and A1 was solemnized on 17.09.2015 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.

6. Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

7. 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, Karaikudi, Sivagangai District, on condition that each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 husband of the defacto complainant/A1 should 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 deposit a sum of Rs.12,000/- (Rupees Twelve Thousand only) per month towards interim maintenance in the defacto complainant's account, on the first week of every English Calendar month, till the same 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

/ TRUE COPY /

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

TO

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

+1 CC to M/s.A.S.RAJESWARI, Advocate (SR-11081[I] dated 07/10/2022)

ORDER
IN
CRL OP(MD) No.18037 of 2022
Date : 07/10/2022

pkn/smn2
PKP/SVR/SAR-2/11.10.2022/3P/6C