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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/10/2022

PRESENT

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

CRL OP(MD). No.18695 of 2022

1. Charles @ Karuppusamy

2. Rajathi

... Petitioners/Accused No.2 & 3

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai (Crime No. 21 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Murugan M,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.21 of 2022 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420, 354, 493, 496, 498(A) IPC and Section 4 of the Dowry Prohibition Act, 1961 in Crime No.21 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The de-facto complainant married one Neerthiban/A1 who is the relative of the petitioners herein. The petitioners are in-laws of the de-facto complainant. Since there is a misunderstanding between the petitioners and the de-facto complainant, they are living separately. It is further alleged that the



petitioners along with A1 harassed the de-facto complainant by demanding additional dowry. Further, the petitioners suppressing the first marriage of the de-facto complainant's husband/A1 had arranged the second marriage. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the co-accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.17866 of 2022, dated 06.10.2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute between the parties and the petitioners along with A1 harassed the de-facto complainant by demanding additional dowry and further, the petitioners suppressing the first marriage of the de-facto complainant's husband had arranged the second marriage and nine witnesses have already been examined and the investigation is not yet completed. Hence, she strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute and the co-accused have already been granted anticipatory bail by this Court and nine witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

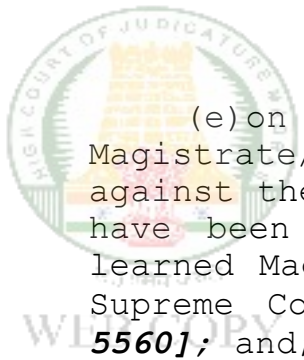
6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Vadipatty, on condition that the petitioners shall execute 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 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 am 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 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/-

26/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTY.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SAMAYANALLUR,
MADURAI

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

+1. CC to M/S.MURUGAN M Advocate SR.No.11887

ORDER

IN

CRL OP(MD) No.18695 of 2022

Date :26/10/2022

SS/GB/SAR II/02/11/2022/ 3P 6C