



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19458 of 2022

1. Maragatham
2. Muthukaruppan
3. Pandipriya
4. Rani @ Nagarani

... Petitioners/Accused No.2,3,5 & 7

Vs

State Rep.by
The Inspector of Police,
Cantonment All Women Police Station,
Trichy, Trichy District
(Crime No.4 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Kannan V, Advocate.
For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

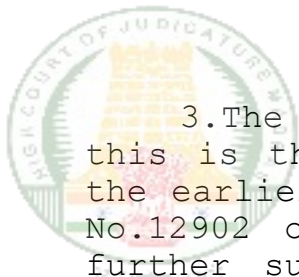
PRAYER :-

For Anticipatory Bail in Crime No.4 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A2, A3, A5 & A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) IPC, in Crime No.4 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1 and the de-facto complainant are husband and wife. The marriage between A1 and the de-facto complainant was solemnized on 27.01.2020. During marriage, 60 sovereigns of gold jewels, one car and sridhana articles worth about Rs.10,00,000/- were given by the de-facto complainant's parents. Apart from that, after marriage, the accused persons demanded more dowry, harassed and threatened the de-facto complainant. Hence the complaint.



3.The learned counsel for the petitioners would submit that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court in Crl.O.P.(MD) No.12902 of 2021 and 5316 of 2022, dated 12.10.2022. He would further submit that the petitioners are in-laws of the de-facto complainant and they are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners are in-laws of the de-facto complainant and all the accused demanded more dowry from the de-facto complainant and cruelly harassed her and her child. She would further submit that it is a matrimonial dispute and nine witnesses have already been examined and the investigation is pending. Hence, she prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners are in-laws of the de-facto complainant 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 Additional Mahila Court-Judicial Magistrate, Trichy, 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 1 and 2 shall report before the respondent police as and when required for interrogation; the third petitioner shall report before the respondent police daily at 10.30 am until further orders; and the fourth petitioner shall report before the Inspector of Police, Otteri Police Station, Chengalpet District daily at 10.30 a.m. 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 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/11/2022

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

TO

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

COPY TO

THE INSPECTOR OF POLICE, OTTERI POLICE STATION,
CHENGALPET DISTRICT.

+1 CC to M/s.V.KANNAN, Advocate (SR-12473[I] dated 04/11/2022)

ORDER

IN

CRL OP(MD) No.19458 of 2022

Date :04/11/2022

SJI

RS/VR/SAR.4(14.11.2022) 3P-7C