



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/11/2022

PRESENT

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

WEB COPY

CRL OP(MD)No.18958 of 2022

1. Rajesh Kanna,

2. Thambiraj,

3. Manonmani,

4. Rajeshwari,

... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Lalgudi,
Tiruchirappalli.
Crime No.27 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Anwarsameem S, 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.27 of 2022 on the file of the respondent police.

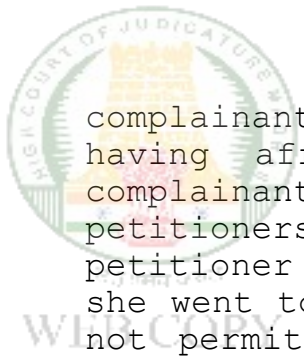
ORDER : The Court made the following order :-

Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners sought permission of this Court to withdraw this petition insofar as the first petitioner is concerned and he has also made an endorsement to that effect.

2.Recording the endorsement made by the learned counsel appearing for the petitioner, this Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner is concerned.

3.The petitioners 2 to 4/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 498(A) and 506(i)of IPC, in Crime No.27 of 2022, seek anticipatory bail.

4.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 03.11.2020. After marriage, the petitioners harassed the defacto



complainant by demanding more dowry and the first petitioner is having affair with another lady. Subsequently, the defacto complainant begotten a female child on 14.08.2020 and the petitioners demanded to give the child to them and also the first petitioner took the thali from the defacto complainant. Thereafter, she went to her parents house on 14.02.2021 and After that, she was not permitted to come to the house of the first petitioner. The defacto complainant is living with her parents and the jewels are in the custody of the petitioners. Hence, the complaint.

5.The learned counsel for the petitioners 2 to 4 would submit that the first accused is the husband of the defacto complainant and the petitioners 2 to 4 are the in-laws of the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioners, a false case has been foisted against them. He would further submit that the petitioners 2 to 4 are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

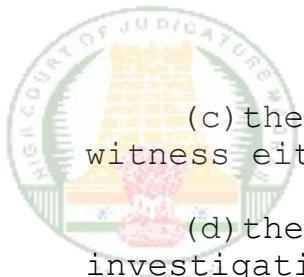
6.The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute. Due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant and there is a specific allegation levelled against the petitioners 2 to 4. He would further submit that in this case, till now, six witnesses were examined and investigation is not yet completed.

7.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that it is a matrimonial dispute and the petitioners 2 to 4 are only in-laws to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

8.Accordingly, the petitioners 2 to 4 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, Lalgudi, on condition that the petitioners 2 to 4 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 2 to 4 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 2 to 4 shall report before the respondent police officer at 10.30 am until further orders;



(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 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 2 to 4 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/-
03/11/2022

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/11/2022
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
ALL WOMEN POLICE STATION, LALGUDI,
TIRUCHIRAPPALLI,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-12429[I] dated 04/11/2022)

ORDER
IN
CRL OP(MD) No.18958 of 2022
Date :03/11/2022

cp
PKP/SSS/SAR-2/11.11.2022/3P/6C

<https://www.mhc.tn.gov.in/judis>