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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

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

CRL OP(MD). No.19060 of 2022

1. M.Sangeethkumar
2. M.Panchavarnam
3. Manikandan
4. M.Sarathkumar
5. M.Sangeetha
6. Seethai @ Seethalakshmi
7. R.Seeniyammal
8. G.Mariammal
9. Ganesan
10. G.Irulayi

... Petitioners No.1-10/
Accused No.1-10

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai.
In Crime No.49/2022..

... Respondent/Complainant

For Petitioners : M/s.Vinothini.K, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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



PRAYER :-

For Anticipatory Bail in Crime No.49/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 406, 494, 506(i) of I.P.C, in Crime No.49 of 2022, on the file of the respondent police, seek anticipatory bail.

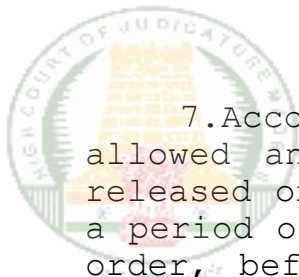
2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 06.07.2016 and after the marriage, the accused persons harassed the defacto complainant, by way of demanding dowry. The accused persons drove the defacto complainant from her matrimonial home. In this regard, they also filed a divorce petition. During the pendency of divorce petition, the first accused married the eighth accused, without divorcing the defacto complainant. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are innocent and not committed any offence, as alleged by the prosecution. The defacto complainant also agreed for consent divorce. Due to vengeance, a false case was foisted against them. Hence, prays to release them on anticipatory bail.

4. On the side of respondent, it is stated that totally ten accused involved in the offence. A1 is the husband, A2 is the father-in-law, A3 is the mother-in-law and A4 to A7 are the in-laws of the defacto complainant. The eighth petitioner is the second wife and her parents are arrayed as ninth and tenth petitioners. A child was born to the first and eighth accused. The accused persons demanded dowry and without divorcing the defacto complainant, the first accused married the eighth accused. Hence, vehemently objected to this bail petition.

5. This matter is a matrimonial dispute between the defacto complainant and her husband/A1. In the FIR, there is a strong allegation against the petitioners No.1, 8, 9, 10/A1, A8, A9 and A10 and hence, this Court is not inclined to enlarge the petitioners No.1, 8, 9, 10/A1, A8, A9 and A10 on anticipatory bail. While this Court was about to dismiss the petition, as against the petitioners No.1, 8, 9, 10/A1, A8, A9 and A10, the learned counsel for the petitioners seeks permission to withdraw this petition, as against the petitioners No.1, 8, 9, 10/A1, A8, A9 and A10.

6. Considering the fact that it is a matrimonial dispute and the petitioners 2 to 7/A2 to A7 are in-laws, this Court is inclined to grant anticipatory bail to the petitioners 2 to 7/A2 to A7 alone.



7. Accordingly, this Criminal Original Petition is allowed and the petitioners 2 to 7/A2 to A7 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.V, Madurai, on condition that the petitioners 2 to 7/A2 to A7 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 2 to 7/A2 to A7 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 petitioners 2 to 7/A2 to A7 shall report before the respondent police daily at 10:30 a.m until further orders;

(c) the petitioners 2 to 7/A2 to A7 shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 2 to 7/A2 to A7 shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 7/A2 to A7 in accordance with law, as if the conditions have been imposed and the petitioners 2 to 7/A2 to A7 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/ petitioners 2 to 7/A2 to A7 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. In respect of the petitioners No.1, 8, 9, 10/A1, A8, A9 and A10, this petition is dismissed as withdrawn.

sd/-
27/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM



TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI SOUTH,
MADURAI.

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

+1 CC to M/s.M.MURUGESAN, Advocate (SR-12012[I] dated 28/10/2022)

ORDER

IN

CRL OP(MD) No.19060 of 2022

Date : 27/10/2022

RK/SBN/SAR- 3(08/11/2022) 4P/6C