



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

Date : 11/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.20675 of 2021

WEB COPY

1.Mathankumar
2.Selvaraj
3.Mariyammal
4.Nirmala Devi
5.Sermugakani

... Petitioners/Accused Nos.1 to 5

Vs

1.State Rep.by
The Inspector of Police,
All Women Police Station, Sattur,
Virudhunagar District.
(Crime No.19/2021).

... 1st Respondent/Complainant

2.Mahalakshmi

... 2nd Respondent/Defacto Complainant

For Petitioners : M/s.Balaji.A, Advocate
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

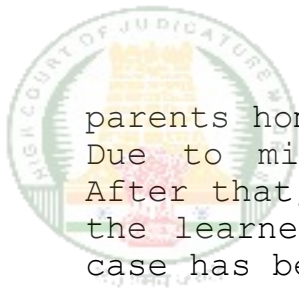
PRAYER :-

For Anticipatory Bail in Crime No.19 of 2021, 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), 294(b) IPC r/w 3(1), 4 of Dowry Prohibition Act, 1961, in Crime No.19 of 2021 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 took place on 14.06.2021 as per Hindu customary rites. At the time of marriage, the defacto complainant was provided with sufficient jewels and other articles. The first accused harassed the defacto complainant by demanding additional dowry and the defacto complainant also informed the same to her parents. On 16.07.2021, the petitioners demanded the defacto complainant to get the property of her parents and she was ill treated by them and threatened to remove the *thali*. Again, she was threatened to abort her pregnancy. Therefore, she went to her



parents home and after compromise, she went to her matrimonial home. Due to misunderstanding, on 28.09.2021, she lodged a complaint. After that, she lodged a petition under Section 156(3)Cr.P.C, before the learned Judicial Magistrate, Sattur and as per direction, this case has been registered.

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3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. The trouble was caused by the defacto complainant only, for want of separate residence.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that there is a matrimonial dispute between the parties. The report of the Social Welfare Officer and statements of the first accused and the defacto complaint also produced along with CD file.

5.Reading of CD file and report of the Social Welfare Officer reveals the fact that there is no basis of allegation of demand of dowry. From the statement of the defacto complainant and the first accused it is seen that the defacto complainant made a trouble, demanding separate residence.

6.Considering the nature of offence and overt act attributed by the petitioners, another colour is given for the matrimonial dispute between the parties and also considering the report of the Social Welfare Officer, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Sattur, 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 the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

11/07/2022

/ TRUE COPY /

/07/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20675 of 2021

Date :11/07/2022

RS/VR/SAR.3 (19.07.2022) 3P-5C