



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

WEB COPY

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

CRL OP(MD) . No.19962 of 2022

1.K.Kumari,

2. Haridha,

... Petitioners/Accused Nos.3 & 4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
(Crime No.03 of 2022)

... Respondent/Complainant

For Petitioners: M/s.Raamakrishnan KA,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.3 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused Nos. 3 and 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.03 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the false promise of marriage, the first accused had physical relationship with the defacto complainant and thereafter, she got pregnant and refused to marry her by demanding dowry. Subsequently, the marriage was solemnized between the defacto complainant and the first accused on 14.11.2021 and after that, the accused persons harassed the defacto complainant by demanding more dowry. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are in-laws to the defacto complainant. There was no



harassment or cruelty as alleged by the prosecution. Onl_ a view to harass the petitioners and their family members, a false case has been foisted against them. He would further submit that the suit for declaration to declare the marriage between the first accused and the defacto complainant as null and void is pending before the Principal District Munsif, Ramanathapuram. Hence he may be granted anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit 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. He would further submit that in this case, till now, nine witnesses were examined and investigation is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.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 are only in-laws of the defacto complainant and nine witnesses have been examined so far, 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 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, Additional Mahila Court, Ramanathapuram, Ramanathapuram District, 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 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 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 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**



WEB COPY

CRL OP(MD).N



22

(f)if the accused thereafter abscond, a fresh FIR registered under Section 229-A IPC.

sd/-
11/11/2022

/ TRUE COPY /

/11/2022

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

TO

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

ORDER

IN

CRL OP(MD) No.19962 of 2022
Date :11/11/2022

CP
SA/VR/SAR.1/17.11.2022/3P/5C