



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19719 of 2022

1. C.Mayalagu,

2. Chinnasamy, ... Petitioners/Accused Rank Not Known

Vs

State Rep.by

The Inspector of Police,
Kottampatti Police Station,
Madurai District.

(Crime No. 359 OF 2022) ... Respondent/Complainant

For Petitioner : M/s.Karuna V, Advocate.

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

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

PRAYER :-

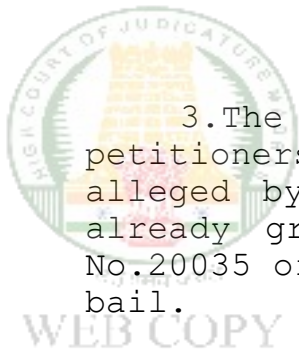
For Anticipatory Bail in Crime No.359 of 2022 on the file of the Respondent police.

[Crime number and offences amended vide order dated 15.11.2022 in Crl.M.P.(MD)No.13842 of 2022]

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 498(A) and 109 IPC in Crime No.359 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the second petitioner is the father-in-law of the de-facto complainant. The first petitioner along with his family members harassed the de-facto complainant by demanding additional dowry of Rs.10 lakhs. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that A3 was already granted anticipatory bail by this Court in Crl.O.P.(MD) No.20035 of 2022, dated 11.11.2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that totally 3 accused are involved in this case. The petitioners are arrayed as A1 and A2. At the instigation of A3, the first petitioner demanded additional dowry of Rs.10 lakhs from the defacto complainant. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.At this juncture, the learned counsel for the petitioners seeks permission of this Court to not press this petition as against the first petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this Criminal Original Petition is dismissed as withdrawn as against the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the second petitioner is the father-in-law of the de-facto complainant and A3 was already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

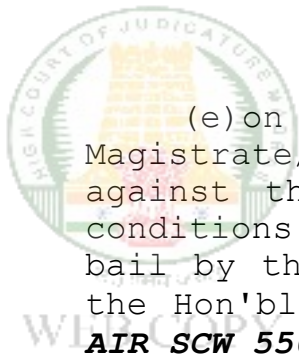
7.Accordingly, the second petitioner is ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District, on condition that the second petitioner 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 second petitioner 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 second petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/11/2022

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19719 of 2022
Date :15/11/2022

SJI
PKP/VR/SAR-2/29.11.2022/3P/5C