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CRL OP(MD). N



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

Date : 11/11/2022

PRESENT

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

CRL OP(MD). No.19960 of 2022

1. Jothibass
2. Perumal @ Perumal Thevar
3. Malarkodi
4. Raveena ... Petitioners/Accused No.1 to 4

Vs

The State represented by
The Inspector of Police,
Nilakottai AWPS Police Station,
Dindigul District.
(Crime No.28 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Krishnaveni P,
Advocate.

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

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

For Anticipatory Bail in Crime No.28 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b) and 498(A) of IPC, in Crime No.28 of 2022, seek anticipatory
bail.

2.The first petitioner and the defacto complainant are husband
and wife. The petitioners 2 and 3 are the parents and the fourth
petitioner is the sister of the first petitioner. The marriage

<https://www.mca.gov.in>



between the first petitioner and the defacto complainant as solemnized on 11.11.2016. Due to wedlock, they have blessed with a male child on 26.08.2017. Now, he is aged about 5 year. At the time of marriage, the defacto complainant was given 45 sovereigns of gold jewels and household articles worth about Rs.2.25 lakhs. Right from the beginning, he has not maintained the defacto complainant and her child. Because he is a jobless person. The parents of the defacto complainant only take care them. From the date of marriage, all the petitioners joined together, abused her in filthy language and assaulted her. After 5 years of marriage, they have harassed her by demanding Rs.15 lakh for the purpose of purchasing a agricultural land. When the same was not given, she was driven out by the matrimonial home. 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 the except the first petitioner all are in-laws. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that there is specific allegation has been made against the petitioners that they harassed the defacto complainant by demanding Rs.15 lakh for the purpose of purchasing a agricultural land and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.At this juncture, the learned counsel appearing for the petitioners seek 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 petition is dismissed 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 between the husband and wife and the petitioners 2 to 4 are in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

7.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, Nilakottai, 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 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 & 3 shall report before the police as and when required. The fourth petitioner is report before the Devathanapatty Police Station, daily 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 2 to 4 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/-

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

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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



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5 THE INSPECTOR OF POLICE,
DEVATHANAPATTY POLICE STATION, PERIYAKULAM,
THENI DISTRICT.

+1. CC to M/S.KRISHNAVENI P Advocate SR.No.12917

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ORDER

IN

CRL OP(MD) No.19960 of 2022

Date :11/11/2022

SS/SSS/SAR III/23.11.2022/ 4P/ 7C