



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20053 of 2022

1. Ramar

2. Jeya

... Petitioners/Accused Nos.2 & 3

Vs

State Rep.by

The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.16/2021).

... Respondent/Complainant

For Petitioners : M/s.Karunanithi R, Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.16/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 and 3, who were arrested and remanded to judicial custody on 22.10.2022 for the offences punishable under Sections 406, 420, 498(A), and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.16 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the marriage was taken place between the defacto complainant and the first accused on 21.01.2019. After marriage, the accused persons harassed the defacto complainant by demanding additional dowry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners are in-laws to the defacto complainant and they are aged persons. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioners, a false



case has been foisted against them. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Further, the petitioners are in judicial custody from 22.10.2022. Hence, they may be granted 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 investigation is not yet completed. Hence, he opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that it is a matrimonial dispute and the petitioner is only in-laws to the defacto complainant, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing 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 Judicial Magistrate, Uthamapalayam, Theni.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

(v) 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 5560].

sd/-

11/11/2022

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11/11/2022

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



To

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, UTHAMAPALAYAM, THENI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, NILAKOTTAI, DINDIGUL DISTRICT.

5 THE OFFICER INCHARGE, SUB JAIL, UTHAMAPALAYAM, THENI DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-12846[I] dated
11/11/2022)

ORDER

IN

CRL OP(MD) No.20053 of 2022

Date :11/11/2022

CP

RS/VR/SAR.(11.11.2022) 3P-8C