



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

Date : 25/11/2022

PRESENT

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

CRL OP(MD). No.20869 of 2022

1. M.Sangeeth Kumar,
2. G.Mariammal,
3. Ganesan,
4. G.Irulayi, ... Petitioners No.1 to 4/Accused No.1,8,9,10

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai.

In Crime No.49/2022. ... Respondent/Complainant

For Petitioner : M/s.Murugesan M,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.49/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A8, A9 & A10, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 494 and 506(1) IPC, in Crime No.49 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the marriage between A1 and the de-facto complainant was solemnized on 06.07.2016 and after the marriage, the accused persons harassed the de-facto complainant,



by way of demanding dowry and also driven out the de-facto complainant from her matrimonial home. In this regard, they also filed a divorce petition. During the pendency of divorce petition, the first accused married the eighth accused, without divorcing the de-facto complainant. Hence, the complaint.

WEB COPY

3.The learned counsel for the petitioners would submit that this is the petitioners' second anticipatory bail application and the earlier application was allowed by this Court in Crl.O.P.(MD)No.19060 2022, dated 27.10.2022 in respect of A2 to A7 are concerned and dismissed as against the petitioners are concerned. He would further submit that the de-facto complainant also got married with another person, namely, K.Chandrabose. Due to vengeance, a false case was foisted against them and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally ten accused involved in this case and the petitioners are arrayed as A1, A8 to A10. The first petitioner/A1 is the husband of the de-facto complainant and the second petitioner/A8 is the wife of A1 and A9 and A10 are parents of A8. A child was born to the first and eighth accused. The accused persons demanded dowry and without divorcing the de-facto complainant, A1 married A8. Three witnesses were examined in this case. Hence, she prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and three witnesses were examined in this case, 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 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 No.5, Madurai 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 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 am 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 5560]**; and;

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

sd/-
25/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate No.5, Madurai District.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.MURUGESAN, Advocate (SR-13866[I] dated 29/11/2022)

ORDER IN
CRL OP(MD) No.20869 of 2022
Date : 25/11/2022

TR/SSS/SAR-III(07.12.2022) 3P 6C