



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

Date : 29/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.20818 of 2022

1. Dilipan
2. Muthulakshmi
3. Remala

... Petitioners/A1 to A3

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
(*)Usilampatti, Madurai District.
(*)Crime No.26 of 2022.

... Respondent/Complainant

**(*)Amendment made vide order
dated 29.11.2022 passed in
Crl.M.P(MD) No.14789 of 2022)**

For Petitioners : M/s.Balaji S,
Advocate

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

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

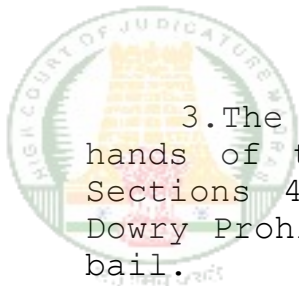
PRAYER :-

For Anticipatory Bail in **(*)Crime No.26 of 2022** on the file of the Respondent Police.

ORDER : The Court made the following order :-

Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners sought permission of this Court to withdraw this petition insofar as the first petitioner is concerned and he has also made an endorsement to that effect.

2.Recording the endorsement made by the learned counsel appearing for the petitioner, this Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner is concerned.



3.The petitioners 2 and 3/A2 to A3, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 323 and 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.26 of 2022, seek anticipatory bail.

4.The case of the prosecution is that the marriage between the defacto complainant and the first accused was performed in the year 2019. After marriage, the accused persons harassed the de-facto complainant by demanding additional dowry and also threatened her with dire consequences.

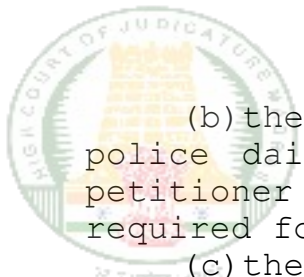
5.The learned counsel for the petitioners 2 and 3 would submit that the first accused is the husband of the defacto complainant and the petitioners 2 and 3 are in-laws of the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioners 2 and 3, this false case has been foisted against them. He would further submit that the petitioners 2 and 3 are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

6.The learned Government Advocate(crl.Side) would submit that 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 2 and 3. Further, investigation in this case is not yet completed. Hence, she opposed to grant of anticipatory bail to the petitioners 2 and 3.

7.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 2 and 3 are in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

8.Accordingly, the petitioners 2 and 3 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.I, Usilampatti, Madurai District, on condition that the petitioners 2 and 3 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 2 and 3 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 confirm their identity;



(b) the third petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the second petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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/-

29/11/2022

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/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.BALAJI, Advocate (SR-14049[I] dated 30/11/2022)

ORDER

IN

CRL OP(MD) No.20818 of 2022

Date : 29/11/2022

CP

USK/SSS/SAR-II/21.12.2022/3P/6C