



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21218 of 2022

1. Bose Mani
2. Rajalakshmi

... Petitioners/Accused Nos.2 and 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
Crime No.43 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Jegadeesha Pandian V.M.,
Advocate
For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

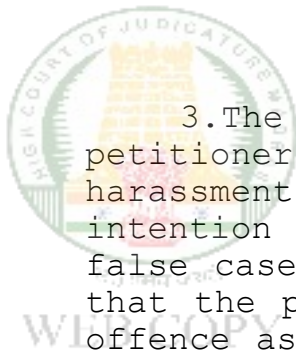
PRAYER :-

For Anticipatory Bail in Crime No.43 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 2 and 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 313, 506(i) r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 4 of Dowry prohibition Act, in Crime No.43 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 09.12.2021. From the date of marriage, the petitioners and other accused harassed the defacto complainant by demanding dowry and threatened her with dire consequences and also forcibly aborted the pregnancy of the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioners would submit the petitioners are in-laws of the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with an intention to harass the petitioners and their family members, 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. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) 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. She would further submit that the first accused was arrested and till now, he is in judicial custody and the investigation is in preliminary stage and custodial interrogation of the petitioners is very much necessary. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the gravity and nature of the offences and also considering the objections raised by the prosecution and the stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

01/12/2022

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/01/2023

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

CP

TO

1. The Inspector of Police,
All Women Police Station, Karaikudi,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.M.JEGADEESHAPANDIAAN, Advocate (SR-14310[I] dated 05/12/2022)

ORDER IN

CRL OP(MD) No.21218 of 2022

Date :01/12/2022

RS/VR/SAR.2(04.01.2023) 2P-4C

<https://www.mhc.tn.gov.in/judis>