



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2022

PRESENT

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The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21414 of 2022

1. V.Murugaperumal
2. M.Selvi

... Petitioners/Accused No.2 & 3

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Tirunelveli Rural,
Tirunelveli.
(Crime No.14 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Abiya.K,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

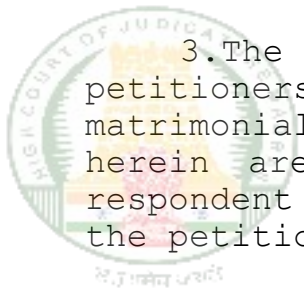
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.14 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 417, 376, 498(A) and 506(ii) of IPC r/w Section 4 of Dowry Prohibition Act, Act, in Crime No.14 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, namely, Mariammal, is that the defacto complainant and the first accused namely, Mahesh loved each other. On 17.02.2020, the first accused had sexual intercourse with the defacto complainant. Because of that, she become pregnant and with the consent of their parents, marriage was solmnized between them, on 21.05.2020 at Registrar Office. After marriage, the petitioners along with the first accused harassed the defacto complainant by demanding 60 sovereigns of gold jewels and cash amount of Rs.5 lakh as dowry. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given to matrimonial dispute. He would further submit that petitioners herein are only in-laws and A1 has not been arrested by the respondent police. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate would submit that the petitioners herein are in-laws of the defacto complainant and the petitioners along with the first accused harassed the defacto complainant by demanding 60 sovereigns of gold jewels and cash amount of Rs.5 lakh. Hence, he opposes to grant anticipatory bail to the petitioners.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioners are only in-laws, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court No.III, Tirunelveli, on condition that the petitioners shall execute 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday 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]**.



[f] If the accused thereafter absconds, a fresh FII be registered under Section 229A IPC.



sd/-
06/12/2022

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/12/2022

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

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TO

1 THE JUDICIAL MAGISTRATE COURT NO.III
TIRUNELVELI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUNELVELI RURAL,
TIRUNELVELI

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

+1 CC to M/s.K.ABIYA, Advocate (SR-14443[I] dated 07/12/2022)

ORDER
IN
CRL OP(MD) No.21414 of 2022
Date :06/12/2022

dss
MK/VR/SAR IV/15.12.2022/3P/6C