



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**



CRL.O.P(MD)No.21647 of 2022

1.Sasikumar

2.Pandian

3.Sajan Kumar

...Petitioners/ 1,3 & 4 Accused

-vs-

The State Rep.By

The Inspector of Police,

All Women Police Station,

Thilagar Thidal, Madurai District.

(Cr.No.57 of 2022)

...Respondent / Complainant

R.Gowri Shankari

... Petitioner / Intervenor /

Defacto Complainant

IN CRL MP(MD)No.15277 of 2022

For Petitioners

: Mr.S.Poornachandran  
Advocate.

For Respondent

: Mr.A.Albert James  
Government Advocate (Crl.side)

For Intervenor

: Mr.Aravind Raj, Advocate.

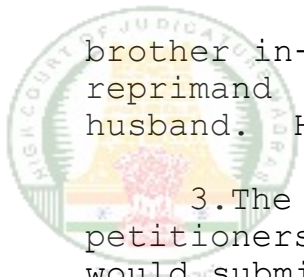
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioners on bail in the event of their arrest in connection with Cr.No. 57 of 2022 on the file of the Respondent Police.

### O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 354(a) and 506(i) IPC and Section 4 of TNPHW Act in Crime No.57 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that she got married to one Sasikumar on 31.03.2021. At the time of marriage, 120 sovereigns of jewels, a car and Seervarisai articles worth about Rs,3,00,000/- were given. The further allegation is that within few days of marriage, the in-laws have abused her stating that she was not doing proper work and that they have also demanded further dowry from her and later, she became pregnant and she also delivered a child. Later, she was driven out along with her seven months child and her father in-law and her



brother in-law had misbehaved with her and her mother in-law. She would submit that she had reprimanded them and she had prevented her from living with her husband. Hence, the complaint.



3. The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would submit that the first petitioner is the husband and the second petitioner and the third petitioners are father and brother of the first petitioner. He would submit that the marriage between the first petitioner and the de-facto complainant was solemnized on 31.03.2021 and thereafter, due to misunderstanding, the de-facto complainant left the matrimonial home and there was a pressure and cruelty on the side of the de-facto complainant and thereby, the petitioner has filed H.M.O.P.No.817 of 2022 before the Family Court, Madurai and only after receipt of summon, a false complaint has been given. He would submit that the de-facto complainant has no intention of living with the first petitioner and by pressure, the de-facto complainant and her family members had taken back the entire jewells and the petitioners are also ready to return back the seervarisai articles to the de-facto complainant.

4. The learned Government Advocate (crl.side) would submit that the petitioners have harassed the de-facto complainant and demanded more dowry from the petitioner and opposes to grant anticipatory bail.

5. The learned Counsel for the intervenor would oppose vehemently stating that the petitioners have demanded more dowry and harassed the de-facto complainant and also misbehaved with the de-facto complainant.

6. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 learned Judicial Magistrate-V, Madurai, 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 A1 and A4 shall report before the responder everyday at 10.30 a.m., and thereafter, every Saturday at until further orders and A3 shall report before the police everyday at 06.30 pm for a period of two weeks, thereafter every Saturday at 06.30 pm 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 FIR can be registered under Section 229A IPC.

sd/-

07/12/2022

/ TRUE COPY /

/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE V  
MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE  
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, THILAGAR THIDAL,  
MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.POORNACHANDRAN, Advocate ( SR-14483[I] dated  
07/12/2022 )

ORDER

IN

CRL OP(MD) No.21647 of 2022

Date :07/12/2022

cmr

MK/SSS/SAR 4/16.12.2022/3P/6C