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

Date : 12.12.2022

PRESENT

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

CRL OP(MD) . No.21845 of 2022

1.Balasingh Kumar
2.Muthaiah
3.Lithiyal Maragatha Pushpam
4.Jebakani

...Petitioners/Accused
Nos.1-3 & 6

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District.
(Crime No.33 of 2022)

... Respondent/Complainant

For Petitioners : Mr.V.Sasikumar, Advocate.

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

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

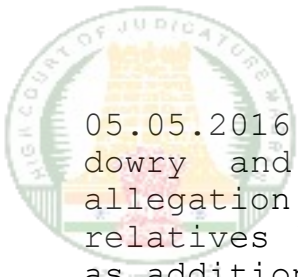
PRAYER :-

For Anticipatory Bail in Crime No.33 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.3 and A.6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 498(A), 294(b) and 506(1) IPC in Crime No.33 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the first petitioner was solemnized on



05.05.2016 and at the time of marriage, Rs.1,50,000/- was given as dowry and further 152 grams of gold was given. The further allegation is that the first petitioner/ husband along with his relatives harassed the defacto complainant and demanded Rs.5 lakhs as additional dowry. Hence, the case.

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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and a false complaint has been preferred. He would further submit that the defacto complainant had deserted the first petitioner. Thereafter, the first petitioner had filed a petition in IDOP.No.155 of 2022 before the Principal District Court, Tirunelveli seeking for restitution of conjugal rights in June 2022 and after coming to know about the filing of the IDOP, the defacto complainant has given a false complaint before the Judicial Magistrate, Alangulam under Section 156(3) of Code of Criminal Procedure.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have demanded Rs.5 lakhs as additional dowry and driven the defacto complainant out of the matrimonial home.

5. Heard. Perused the materials available on record.

6. Taking into consideration the facts and the submissions made by both the counsels, 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, Alangulam, Tenkasi District, 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 learned Magistrate concerned 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 first petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[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/-

12/12/2022

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/12/2022

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

CSM

TO

1. THE JUDICIAL MAGISTRATE,
ALANGULAM, TENKASI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SASIKUMAR.V Advocate SR.No.14735

ORDER

IN

CRL OP(MD) No.21845 of 2022

Date :12/12/2022