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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

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

CRL OP(MD) . No.22053 of 2022

1. Sudhakar @ Sudhakaran
2. Sellamuthu @ Chellamuthu

... Petitioners/Accused
Nos.3 & 4

Vs

State rep.by
The Inspector of Police,
All Wome Police Station,
Theni, Theni District.
(Crime No.55 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Karuppasamy.M, 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.55 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 294(B), 323, 355 and 498(A) IPC and Section 4 of Dowry Prohibition Act, in Crime No.55 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 A1 was performed on 09.06.2021 and they were living together for 1½ years and thereafter, her husband had gone to duty in Indian Army and that the relatives of the husband had



suspected her fidelity and harassed her and also demanded 22 sovereigns of jewels to allow her to live with A1. Hence, the complaint.

3. The learned Counsel for the Petitioners would submit that the Petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the marriage between A1 and the defacto complainant was love marriage and thereafter, A1 gone to his job in Indian Army. He further submitted that the defacto complainant was having friendship with someone else, since it was questioned a false complaint has been registered against the petitioner under the Dowry Prohibition Act and thereby, seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners have demanded additional dowry from the defacto complainant and also harassed her both mentally and cruelly and hence, he opposes to grant anticipatory bail.

5. 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.

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 **learned Additional Mahila Court, Theni**, 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 FIR can be registered under Section 229A IPC.

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Sd/-
14/12/2022

/12/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

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

+1. CC to M/S.KARUPPASAMY.M Advocate SR.No.15009

ORDER
IN
CRL OP(MD) No.22053 of 2022
Date :14/12/2022

SP/VR/SAR II/22/12/2022/3P/6C