



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

Date : 19/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.22412 of 2022

S.Balaji

... Petitioner/Accused No.4

Vs

The State Rep. by,
The Inspector of Police,
Thilagar Thidal All Women Police
Station, Madurai City.
Crime No. 53 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ramsundarvijayraj S,
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.53 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehend arrest at the hands of the
respondent police for the offence under Sections 498(A) and 406 IPC
and Section 4 of TNPHW Act in Crime No.53 of 2022, seeks
anticipatory bail.

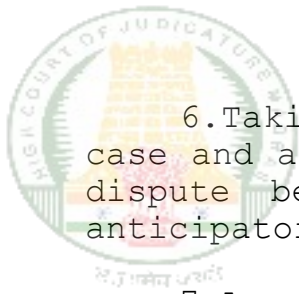
2.The case of the prosecution is that the de-facto complainant
is the wife of A1. A1 is working in Ireland. A2 and A3 are the
parents of A1. The petitioner/A4 and A5 are their relatives. The
marriage between the de-facto complainant and A1 was solemnized on
10.12.2021. During marriage, 125 sovereigns of gold jewels and
silver articles and household articles were given by the de-facto
complainant's parents. Apart from that, after marriage, the parents
of A1 and other accused demanded 300 sovereigns of gold jewels,
harassed and threatened the de-facto complainant. Hence, the
complaint.



3. The learned counsel for the petitioner would submit that this is the second anticipatory bail petition and the earlier petition was dismissed by this Court on 23.11.2022 in Crl.O.P(MD) No.20632 of 2022. He would further submit that the petitioner is innocent and he has been falsely roped in this case since he happened to be younger brother of the mother-in-law. He would further submit that this Court had granted anticipatory bail to the mother-in-law and father-in-law imposing certain conditions and so far as the allegation against the petitioner is concerned he had abetted the other accused in the crime. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally five accused in this case and the petitioner is arrayed as A4. It is a matrimonial dispute. The petitioner is the relative of A1 to A3 and is working as Senior Civil Surgeon in the Government Hospital, Vadipatti and all the accused demanded more dowry from the de-facto complainant and cruelly harassed her. He would further submit that A2, who is the father-in-law of the de-facto complainant showed obscene videos, photographs and books and teased her that she is not interested in the family life and for that purpose, the petitioner along with other accused gave some medicines and forcibly made her to drink the same. When the de-facto complainant informed the same to A1, he promised that he would arrange for 'spouse visa' and to bear the same till then. The petitioner along with A5 used to give mental torture to the de-facto complainant stating that the jewels presented to the de-facto complainant at the time of her marriage is very meager and that their expectation is nearly 300 sovereigns. She would further submit that on 22.02.2022, the petitioner and other accused demanded 300 sovereigns of gold and also asked the de-facto complainant's father to construct a house for them, which was refused by the de-facto complainant, for which, A2 has beaten her, slapped her and kicked her. The petitioner advised A3 to torture the de-facto complainant and driven out her from the matrimonial home. On the same day at 10.00 p.m., the petitioner along with A1 to A3 and some of their relatives have given some medicines to the de-facto complainant for her illness, she felt unconscious and they brought her in car and left her in the parental home. In the meantime, A1 arranged for spouse visa and the de-facto complainant went to Ireland on 09.08.2022, but at the instigation of other accused persons, he has not picked up her from airport and hence, she returned to India. He would further submit that the allegations against the petitioner is very serious and the investigation is in preliminary stage hence he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.



6. Taking into consideration the facts and circumstance of the case and also considering the fact that it is a case of matrimonial dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the Inspector of Police, All Women Police Station, Tallakulam, Madurai District daily at 5.30 p.m for a period of one week and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
19/12/2022

/ TRUE COPY /

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

AAV

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



TO

1. THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
THILAGAR THIDAL ALL WOMEN POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI DISTRICT.

ORDER

IN

CRL OP(MD) No.22412 of 2022

Date :19/12/2022

USK/MMS/SAR-I/26.12.2022/4P/6C