



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022
PRESENT

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

CRL OP(MD). No.22736 of 2022

1. Kaveri,

2. Prapa @ Prema Latha, ... Petitioners/Accused Nos.2 & 5

Vs

The State rep.by
The Inspector of Police,
All Women Police Station-Theni,
Theni District.
Crime No.55 of 2022.

... Respondent/Complainant

For Petitioner : 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.

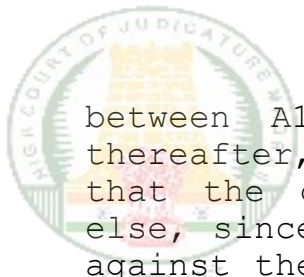
ORDER : The Court made the following order :-

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 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

<https://www.mhctn.gov.in/judis>



between A1 and the defacto complainant was love marr 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. He further contended that co-accused were already released on anticipatory bail by this court in Crl.O.P(MD).No.22736 of 2022, dated 22.12.2022 and the petitioners herein are distant relative of A1 and thereby, he 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 and that the co-accused were already released on anticipatory bail this Court, 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, 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]**.



WEB COPY

CRL OP(MD). N



22

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

sd/-

22/12/2022

/ TRUE COPY /

/01/2023

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

TRP

TO

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

ORDER

IN

CRL OP(MD) No.22736 of 2022

Date :22/12/2022

SA/MMS/SAR.2/03.01.2023/3P/4C