



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

Date : 22/12/2022

PRESENT

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

CRL OP(MD) . No.22766 of 2022

1. Murugaraj
2. Bhagavathy Pandi
3. Kasi Kani

... Petitioners/Accused 1 to 3

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Thiruchendur,
Thoothukudi District.
(Crime No. 24 of 2020).

... Respondent/Complainant

For Petitioners : M/s. Sivakumar.S,
Advocate.

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

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

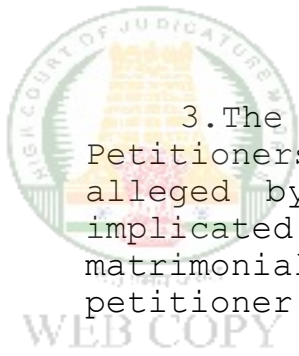
PRAYER :-

For Anticipatory Bail in Crime No. 24 of 2020 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 498(A), 406 IPC and Section 4 of Dowry Prohibition Act, in Crime No.24 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto Complainant is that the respondent received a order in Crl.M.P.No.1748 of 2020 based on the Paramajothi the defacto complainant herein as the petitioner married the defacto complainant on 10.02.2019 for that gave 20 sovereign gold jewels and Rs.1 Lakh in hand and thereafter, the defacto complainant spent Rs.10 lakhs and arranged a grocery shop at Erode wherein the 1st petitioner did not work except the grocery items to the shop and the defacto complainant took care the business and further alleged that others threatened the defacto complainant and demanded more money.



3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent and they have not committed any offence as alleged by their prosecution and their names have been falsely implicated in this case. He further submitted that due to matrimonial dispute a false complaint has been against the petitioner and hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that based on the reference under Section 156(3) Cr.P.C., a case has been registered against the petitioners. He further submitted that it is a case of matrimonial dispute and the investigation of this case is pending and hence, he opposes to grant anticipatory bail.

5.Heard the learned counsels. Taking into consideration the facts and circumstances and that it is a matrimonial dispute between the parties, 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 Judicial Magistrate, Sathankulam** 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders and the other petitioners shall appear before the respondent police daily at 10.30 am for a 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]**.



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

sd/-
22/12/2022

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/01/2023

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

TRP

TO

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

+1 C.C. TO M/S.S.SIVAKUMAR, ADVOCATE, S.R.NO.15440 (I).

ORDER
IN
CRL OP(MD) No.22766 of 2022
Date :22/12/2022

USK/VR/SAR-II/02.01.2023/3P/6C