



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.22767 and 22770 of 2022

1. Chandrasekar,

2. Devika,

... Petitioners/Accused Nos. 2 & 3
in Crl.O.P(MD).No.22767/2022

1. Vinothbala

2. Sangeetha

... Petitioners/Accused Nos. 4 & 5
in Crl.OP(MD).No. 22770/2022

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai
(Crime No.64 of 2022).

... Respondent/Complainant

For Petitioners : M/s. Niranjan S.Kumar, Advocate.
In CRL OP(MD)No.22770 of 2022

: M/s. Niranjan S.Kumar, Advocate.
For Mr.S.Murugaganesan, Advocate
In CRL OP(MD)No.22767 of 2022

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

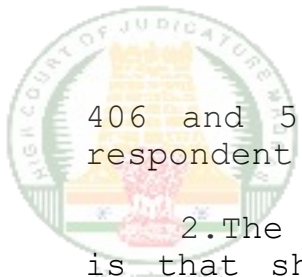
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.64 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 498(A),



406 and 506(i) IPC in Crime No.64 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto Complainant, is that she was married to one Yogeshwaran and from the date of marriage, she was harassed by the accused persons by demanding dowry and thereafter, the husband of the defacto complainant had stolen the 22 sovereigns of gold jewels of A5 and thereafter, all the accused Nos. 2 to 5 compelled her to get a sum of Rs.15,00,000/- and to set up business for A1. When the defacto complainant questioned the same, the accused persons have threatened her with dire consequences. 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 further submitted that 5th accused is the daughter in law of the 2nd accused and the 4th accused is yet another son of petitioner and the jewels belonging to the 5th accused are found missing. Based on the complaint given by the 2nd and 4th accused enquiry is being conducted by the respondent police. During such time, it was found that the husband of the defacto complainant is the person, who has committed the theft of jewels from his own house and since the petitioners came to know of the illegal collusion with the wife of the defacto complainant has given a false complaint against the petitioners. He further submitted that the petitioners were issued notice under Section 41(A) Cr.P.C., and they have duly appeared before the respondent police.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners are in laws of the defacto complainant and they have harassed the defacto complainant by demanding dowry and he opposes to grant anticipatory bail.

5.Heard the learned counsels and perused the materials on record. Taking into consideration the facts and circumstances of the case 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 No.II, Madurai**, 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



[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 one week, 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

(*)Amended as per order of the Court dated 23/01/2023 in CrI.MP (MD).1006 & 1008/2023 in CrI.OP (MD).22767 & 22770/2022.

Further two weeks time is granted to the petitioners to comply with the conditions imposed by this Court from the date of receipt of a copy of this order as last chance.

/ TRUE COPY /

/02/2023

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

TRP
TO

TO BE SUBSTITUED WITH THE ORDER DATED 22/12/2022 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.I,MADURAI.

2 THE JUDICIAL MAGISTRATE NO.II,MADURAI.

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



3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TALLAKULAM, MADURAI

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-1078 & 1080[I]

ORDER

IN

CRL OP(MD) No.22767 & 22770 of 2022

Date :22/12/2022

PKP/VR/SAR-1/03.01.2023/3P/6C

SJI

SA/SSS/SAR.3/04.02.2023/4P/8C