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CRL OP(MD)



23

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

Date : 08/02/2023

PRESENT

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

CRL OP(MD). No.594 of 2023

1. Marimuthu
2. Pappa
3. Kavitha Devi
4. Annakamu

... Petitioners/Accused No.2 to 5

Vs

State rep. by,
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai City,
Madurai District.
Crime No.29 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Antony Arul Raj T

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.29 of 2022 on the file of the Respondent Police.

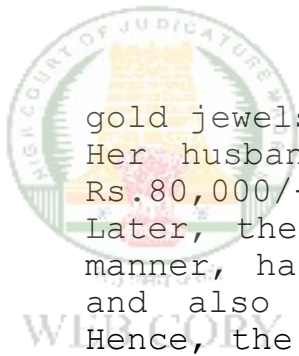
ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 406, 506(i) I.P.C, in Crime No.29 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Thenmozhi is that she got married to the first

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02.07.2017. At the time of marriage, 22 sovereigns of



gold jewels and sridhana articles worth about Rs.5 lakhs were taken. Her husband was working in an IT company and earning a sum of Rs.80,000/-per month. A girl child was born to them on 27.05.2018. Later, the family members of her husband behaved in an indifferent manner, harassed and taken her jewels and refused to give her back and also they had driven her out from the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are the in-laws of the defacto complainant. They are innocent and since there was a feud between the parties, a false complaint has been given. The fact remains that the victim/defacto complainant was affected by mental illness and the first accused had taken care of her and admitted in Kottayam hospital and spent more than Rs.15 lakhs for her treatment. However, the defacto complainant had given a false complaint. Hence, prays to release the petitioners on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the marriage between the first accused and the defacto complainant was solemnized on 02.07.2017. The accused persons have harassed the defacto complainant, by way of demanding additional dowry and driven her out from the matrimonial home. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.VI, Madurai**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;



(b) the petitioners shall report before the Police daily at 10:30 a.m., until further orders;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

WEB COPY (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]**; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/02/2023

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/03/2023

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

PNM

TO

1. The Judicial Magistrate No.VI, Madurai.
2. Do through the Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
All Women Police Station,
Thirupparankundram, Madurai City,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.594 of 2023

Date : 08/02/2023

NA-VA/BUC/SAR-2/27.02.2023/3P/5C

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