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CRL OP(MD)



23

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

Date : 19/01/2023

PRESENT

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

CRL OP(MD). No.907 of 2023

1. P.Sureshbabu
 2. R.Patchai Muthu
 3. P.Vanaja
 4. P.Ganesh Kumar
- ... Petitioners/Accused Rank No.1 to 4

Vs

- 1 The state rep.by
The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
(Crime No.20/2022). ... Respondent / Complainant
 2. Priyanka ... Respondent/ Defacto Complainant
- For Petitioner : M/s.Mohamed Azharudeen Sharof,
Advocate.
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

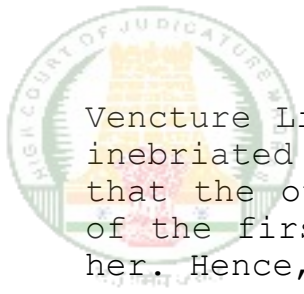
PRAYER :-For Anticipatory Bail in Crime No.20/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b) and 506(ii) of I.P.C. and Section 4 of TNPHW Act and Section 4 of the DP Act, in Crime No.20 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Priyanka, is that the marriage between her and the first petitioner was solemnized on 03.06.2020 and at the time of marriage, the parents of the de-facto complainant had purchased a two wheeler for her husband and had also given as dowry. The further allegation is

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Vencture Lighting India Limited, Thambaram, used to come home in an inebriated condition and harassed her and the further allegation is that the other petitioners 2 to 4, who are the parents and brother of the first petitioner have threatened her and demanded dowry from her. Hence, the case.

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3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given due to a matrimonial dispute. He would further submit that there was a misunderstanding between the first petitioner and the defacto complainant on account of a matrimonial dispute. He would further submit that on the earlier complaint given by the de-facto complainant, the petitioners have also returned his motorcycle to the de-facto complainant's family and now based on a direction from the Court, a false complaint has been registered. He would further submit that the petitioners are ready to appear before the respondent police for investigation. Hence, he seeks for anticipatory bail.

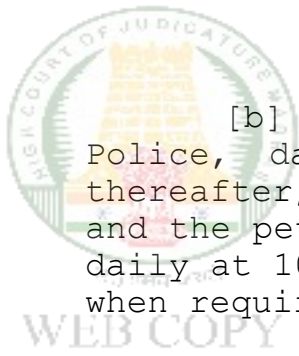
4.The learned Government Advocate (Crl. side) would submit that the marriage between the first petitioner and the de-facto complainant was solemnized on 03.06.2020 and the further allegation is that the petitioners have demanded more dowry and the first petitioner had threatened her in an inebriated condition and hence, he opposed to grant anticipatory bail.

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

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7.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 Court, Oddanchatram, on condition that the petitioners shall execute a 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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders; and the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required.

[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/-

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/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ODDANCHATRAM,
DINDIGUL DISTRICT.

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

+1. CC to M/S.MOHAMED AZHARUDEEN SHAROF Advocate SR.No.784.

ORDER

IN

CRL OP(MD) No.907 of 2023

Date :19/01/2023

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