



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.772 of 2023

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1.Vijayan
2.Saraswathi
3.Balasubramaniyan

...Petitioners/Accused Nos. 1 to 3

-vs-

1. State represented by
The Inspector of Police,
All Women Police Station,
Musiri,
Trichy District.
(Cr.No.20 of 2022)

..1st Respondent/Complainant

2.Gowri

... 2nd Respondent/Defacto complainant

(R2 is suo motu impleaded as per
the order of this Court dated
31.01.2023 in Crl.O.P (MD) No.772 of
2023)

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.20 of 2022 on the file of the respondent Police.

For Petitioners : Mr.Vijayan, Advocate

For R1 : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 498(A) and 506(ii) IPC in Crime No.20 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Gowri is that her marriage with the first petitioner was solemnized on 07.02.2022 and after marriage, the petitioners have harassed and demanded more dowry. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would also submit that the first petitioner was working as Watchman in ICICI Bank, Kulithalai Branch and the petitioners are ready for re-union whereas the parents of the defacto complainant are interfering and they are preventing the defacto complainant from joining the first petitioner. He would also submit that the entire articles have also been taken back by the defacto complainant. Hence, he would pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the first petitioner is the husband of the defacto complainant and petitioners 2 and 3 are the parents of the first petitioner and the petitioners have harassed the defacto complainant by demanding more dowry. He would also submit that the respondent police has intimated the defacto complainant about the hearing of this case and he opposes to grant anticipatory bail.

5.Heard and perused the materials available on record. Though it is represented by the learned Government Advocate (Crl.side) that the respondent police has intimated the defacto complainant/R2 to be present before this Court, there was no representation either in person or through a counsel and even today, there is no representation for the second respondent.

6. Taking into consideration 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, Musiri, 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 first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders and the petitioners 2 and 3 shall appear before the respondent as and when required for



[c] the petitioners shall not tamper with evidence or either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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[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/-

16/02/2023

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

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TO

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

ORDER

IN

CRL OP(MD) No.772 of 2023

Date :16/02/2023

RK/VS/SAR-3 (28/02/2023) 3P/5C