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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2023

PRESENT

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

CRL OP(MD) . No.2094 of 2023

1. Saseedharan,
2. Shanmugapriya,
3. Ayyammal,
4. Marisamy,

... Petitioners/Accused 1 to 4
Vs

The Inspector of Police,
Awps Aruppukottai,
Virudhunagar District.
Crime No.3/2023.

... Respondent/Complainant

For Petitioner : M/s.Sujai Krishna.P,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

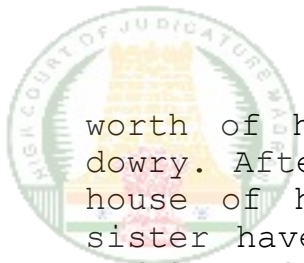
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2023 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 498A, 323, 342 and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.3 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Veeraselvi, is that she got married to the first accused Sasitharan on 10.06.2022 and at the time of marriage, 25 sovereigns of gold jewelry and Rs.3,00,000/- cash and house articles were demanded, whereas, the parents had given 12 sovereigns of gold, Rs.1,50,000/-



worth of household articles and Rs.1,00,000/- cash were given as dowry. After the marriage, the de-facto complainant had gone to the house of her husband. Her husband and her relatives, mother and sister have behaved in a weird manner and they used to take bath nudely. When it was questioned by the de-facto complainant, her husband informed that he would have sexual relationship with his own sister, if she does not agree for sexual intercourse and the accused had assaulted her and also send her out from the matrimonial home. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and due to matrimonial dispute, a false complaint has been given. He would further submit that the petitioners are ready to cooperate for the investigation and on the very reading of the complaint would go to show that it is an exaggerated complaint.

4.The learned Government Advocate (Crl. side) would submit that as per the complaint, the de-facto complainant has stated that since she did not bring enough dowry, the accused harassed her by demanding more dowry and she had further alleged that there was an illegal relationship between her husband and her sister. He would further submit that the investigation is pending. Hence, he would object for grant of 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, Aruppukkottai, 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 petitioner 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 1, 3 and 4 shall report before the respondent Police, daily at 06.30 P.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders; and the second petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.



[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.

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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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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
AWPS ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.SUJAI KRISHNA.P Advocate SR.No.2512

ORDER
IN
CRL OP(MD) No.2094 of 2023
Date :16/02/2023

MGJ/CG/SAR I/27/02/2023/3P/6C