



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

PRESENT

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

CRL.O.P(MD)No.2852 of 2023

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1.Saravanakumar
2.Arumugam
3.Lakshmi @ Manthira Lakshmi
4.Ashokkumar

...Petitioners/ Accused 1 to 4

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Rajapalayam Virudhunagar District.
(Cr.No.13 of 2021)

...Respondent/ Complainant

PRAYER: Criminal Original Petition 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.13 of 2021 on the file of the respondent Police.

For Petitioners : Mr.S.Poornachandran

For Respondent : 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 498(A), 294(b), 323 and 506(i) of IPC, Section 4 of TNPHW Act and Section 4 of Dowry Prohibition Act in Crime No.13 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the first petitioner harassed his wife/de-facto complainant and demanded dowry along with other petitioners. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit earlier the petitioners had approached this Court seeking for anticipatory bail in Crl.O.P.(MD)No.12259 of 2021 and this Court, by order, dated 05.10.2021, had granted anticipatory bail to the petitioners with certain conditions. Later, due to the



intervention of elders and well wishers, settlement talks were going on and the petitioners tried settle the issue amicably. However, the de-facto complainant has not agreed for the settlement. Hence, the earlier order got lapsed and hence, he would seek for anticipatory bail to the petitioners.

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4.The learned Government Advocate (crl.side) would submit that the petitioners have earlier approached this Court for anticipatory bail in Crl.O.P.(MD)No.12259 of 2021 and this Court, by order, dated 05.10.2021, had granted anticipatory bail to the petitioners with certain conditions. Since they did not surrender and furnish the sureties, the earlier order got lapsed and hence, he would seek for dismissal of this petition.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 Additional Mahila Court, Srivilliputhur, 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. The other petitioners shall report respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter, as and when required on issuance of summons.

[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 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.

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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 Additional Mahila Court, Srivilliputhur.

2.The Inspector of Police,
All Women Police Station,
Rajapalayam Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.2852 of 2023

Date :14/02/2023

RK/VS/SAR-II(22/02/2023) 3P 4C