



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2023
PRESENT

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

CRL OP(MD) . No.2442 of 2023

1. Xavier
2. Mary Tamilarasi ... Petitioners/Accused Nos.2 & 3

Vs

The State rep.by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul
(Crime No.19 of 2023). ... Respondent/Complainant

For Petitioners : Mr.Rajesh.K, Advocate

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.19 of 2023 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), 294(b), 323 of I.P.C, in Crime No.19 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Yuvanchizen is that she was married to the first accused on 03.02.2022 as per the Christian Rites. At the time of marriage, 10 ½ sovereigns of gold jewels and sridhana articles worth about Rs.20,000 were given. Even on the first day, the defacto complainant came to know that the first accused was having a relationship with a lady, with whom he was talking over phone for a long time. When she informed the same to his parents, they demand more dowry from her. Further allegation is that the accused persons used to harass her by demanding dowry and sent her out of the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against

<https://www.mhc.tn.gov.in/judis>



them. The petitioners are respectively the father and mother. The first accused. Due to matrimonial dispute, the defacto complainant had left the matrimonial home and gave a false complaint against them. All the sridhana articles were taken by the defacto complainant. Hence, prays to release them on anticipatory bail.

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4. The learned Government Advocate (Crl.Side) submitted that in this case, the accused persons had demanded dowry and harassed the defacto complainant, by way of demanding dowry. 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 matrimonial 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, Additional Mahila Court, Dindigul**, 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 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 respondent Police daily at 10:30 a.m., for a period of two weeks, thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with the 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]**; and;



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

sd/-
09/02/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAJESH.K Advocate SR.No.2147

ORDER

IN

CRL OP(MD) No.2442 of 2023

Date :09/02/2023

SA/SSS/SAR.1/20.02.2023/3P/6C