



WEB COPY

CRL OP(MD).



22

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

Date : 20/01/2023

PRESENT

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

CRL OP(MD) . No.5237 of 2022

1. Parvathi
2. Lakshmi
3. Sekar

... Petitioners/Accused Nos.2to4

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Madurai City
(Crime No. 6 of 2022).

... Respondents/Complainants

2. Mathumitha,
(R2 suo motu impleaded vide order of
this Court, dated 29.03.2022)

... Respondent No.2

3. Seman,
(R3 suo motu impleaded vide order of
this court dated 15/07/2022)

... Respondent No.3

For Petitioner : M/s. Mohan A.,
Advocate.

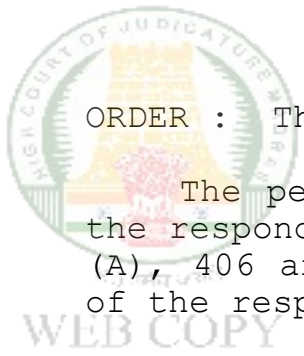
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)

For R2 : Mr.Niranjan S.Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2022 on the file of
the respondent Police.



ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406 and 506(ii) of I.P.C., in Crime No.6 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de-facto complainant and the first accused was solemnized on 23.01.2019 and at the time of marriage, 30 sovereigns of gold jewels and other household articles were given and a child was born on 02.08.2020 and thereafter, the petitioners along with the first accused had harassed her and demanded more dowry from her and driven her out of the matrimonial home. Hence, the case.

3.The learned counsel for the petitioners would submit that the first petitioner is the mother-in-law and the second petitioner is the sister of the first petitioner and the third petitioner is the father-in-law of the de-facto complainant. He would further submit that due to a matrimonial dispute, a false and exaggerated complaint has been given. He would further submit that due to the registration of the case, the first accused in this case, has absconded and his whereabouts is not known for the past one year. He would further submit that as directed by this Court, the petitioners have also handed over all the household articles and the motorcycles, which was given at the time of marriage has been returned to the de-facto complainant and she has also acknowledged the same. He would further submit that the petitioners cannot be pressurized for the abscondance of the main accused/husband.

4.The learned Government Advocate (Crl. side) would submit that the petitioners are respectively, the mother-in-law, her sister and the father-in-law of the de-facto complainant. He would further submit that the marriage between the de-facto complainant and the first accused, who is the son of the first petitioner was solemnized on 23.01.2019 and at the time of marriage, 30 sovereigns of gold jewels and other household articles were given and a child was born on 02.08.2020 and thereafter, the accused had harassed her and demanded more dowry from her and driven her out of the matrimonial home. Hence, he strongly opposed to grant anticipatory bail.

5.The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail stating that the accused had harassed the de-facto complainant by demanding more dowry and also driven her out of the matrimonial home.

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

7.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:

8. 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 Additional Mahila court (Magistrate Level), Madurai, 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 petitioners shall report before the respondent Police 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.

[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/-
20/01/2023

/ TRUE COPY /

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

SJI



TO

1 THE ADDITIONAL MAHILA COURT (MAGISTRATE LEVEL),
MADURAI.

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

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURAI CITY

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

+1. CC to M/S. MOHAN A. Advocate SR.No. 935(I)

ORDER

IN

CRL OP(MD) No.5237 of 2022

Date :20/01/2023

VA/VR/SAR-3/04.02.2023/4P/6C