



WEB COPY

CRL OP(MD).



22

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

Date : 09/02/2023

PRESENT

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

CRL OP(MD) . No.5998 of 2022

1. Balaji
2. Muthusamy
3. Lakshimi

... Petitioners/Accused Nos.1 to 3

Vs

1. The State rep.by,
The Inspector of Police,
All Women Police Station, Musiri,
Trichy District.
(Cr.No.8/2022).

... Respondent/Complainant

2. Buvaneswari
(R2 suo-motu impleaded
as per Order of this
Hon`ble court dated
31.03.2022 in CrI OP(MD)
No.5998of2022)

... 2nd Respondent

For Petitioners : M/s.Arunraj K, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (CrI.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.08 of 2022 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
Section 498(A), 406, 294(b) of I.P.C r/w Section 4 of Dowry
http://www.mca.gov.in/judis



Prohibition Act, 1961, in Crime No.8 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Buuvaneswari is that the accused persons caused cruelty as against the defacto complainant, who is the wife of first petitioner and demanded more dowry from her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the first petitioner is the husband of the defacto complainant. The second and third petitioners are parents of first petitioner. They are innocent and a false case has been foisted against them, due to matrimonial dispute. They are ready to abide any stringent condition as imposed by this Court. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons harassed the defacto complainant, by way of demanding dowry. The first petitioner has pledged the jewels of the defacto complainant and did not return it to her. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Considering the nature of offence attributed against the first petitioner, this Court is not inclined to enlarge the first petitioner on anticipatory bail. This petition is dismissed as against the first petitioner.

7.However, taking into consideration the facts and circumstances of the case and considering the nature of matrimonial dispute, this Court is inclined to grant anticipatory bail to the second and third petitioners alone with certain conditions.

8.Accordingly, this Criminal Original Petition is partly allowed and the second and third 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, Musiri**, on condition that the second and third 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 second and third 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 second and third petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the second and third petitioners shall not tamper with the evidence or witness either during investigation or trial;

[d] the second and third 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 second and third petitioners in accordance with law, as if the conditions have been imposed and the second and third 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;

[f] if the accused/ second and third petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/02/2023

/ TRUE COPY /

/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE,
MUSIRI.

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

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MUSIRI,
TRICHY DISTRICT.

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

+1. CC to M/S.ARUNRAJ K Advocate SR.No.2132(I)

ORDER

IN

CRL OP(MD) No.5998 of 2022

Date :09/02/2023