



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

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD)No.8472 of 2023

1. Geetha
2. Thangavelu
3. Dhivya

... Petitioners No.1 to 3/
Accused No.2 to 4

Vs

State rep. by
The Inspector of Police,
All Women Police Station Golden Rocks,
Trichy District.
Crime No.2 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Shreedhar.M.,
Advocate.

For Respondent : Mrs.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 to 4, who apprehend arrest at the
hands of the respondent police for the offence punishable under
Sections 498(A), 294(b), 506(i) and 120(B) of IPC of IPC and Section
4 of Dowry Prohibition Act in Crime No.2 of 2023, seek anticipatory
bail.

2. The allegation against the petitioners is that the
petitioners and their family members harassed the defacto
complainant by demanding more dowry and also threatened her with
dire consequences. Hence, the complaint.



3. On the side of the petitioners, it is stated the petitioners are in-laws of the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with an intention to harass the petitioners, the present case has been falsely foisted against them. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioners were already granted anticipatory bail by the learned Principal Judge, Thiruchirappalli in Crl.M.P.No.836 of 2023, dated 22.02.2023. Subsequently, the petitioners filed modification petition before this Court in Crl.O.P(MD) No.5675 of 2023 and this Court by its order dated 28.03.2023 dismissed the said petition and also observed that the anticipatory bail granted in Crl.M.P.No.836 of 2023 got expired and also cancelled the anticipatory bail granted to the petitioners in Crl.M.P.No.836 of 2023. He would further submit that the investigation in this case is not yet completed. Hence, she opposed to grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and consider the nature of offence and also the facts that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

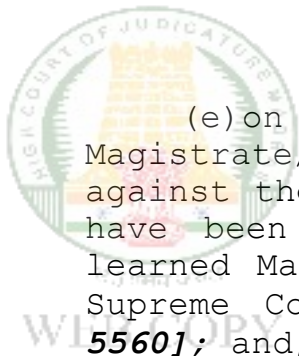
6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Additional Mahila Court, Tiruchirapalli, on condition 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 daily at 10.30 am for a period of four weeks and thereafter as and when required;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on <https://www.mca21.org.in/dis> and before the respondent police as and when required;



(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;

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

sd/-
04/05/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1. The Judge,
Additional Mahila Court,
Tiruchirapalli.
2. The Inspector of Police,
All Women Police Station Golden Rocks,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SHREEDHAR, Advocate (SR-7229[I] dated 08/05/2023)

ORDER
IN
CRL OP(MD) No.8472 of 2023
Date : 04/05/2023

NA/VS/SAR-3/09.05.2023/3P/5C