



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

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



CRL.O.P(MD)No.11238 of 2022

1.Dineshkumar
2.Allikodi
3.Divya
4.Thiyagarajan

...Petitioners/Accused 1 to 4

-vs-

1.The State represented by
The Sub Inspector of Police,
All Women Police Station,
Dindigul All Women Police Station,
Dindigul District.
(Cr.No.13 of 2022)

2.Nivetha ...Respondent/Complainant

(R2 was *suo motu* impleaded vide order of this Court, dated 24.06.2022)

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 2022 on the file of the respondent Police.

For Petitioners	: Mr.R.Sakthivel
For R1	: Mr.A.Albert James
	Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 323, 294(b) and 506(i) of IPC r/w Section 4 of TNPHW Act in Crime No.13 of 2022 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 marriage between her and the first petitioner was solemnized on 26.03.2018 and at that time, jewels, cash and other house hold articles were given. The further allegation is that the first accused had demanded additional dowry for construction of a house and harassed her. 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 that a case of matrimonial dispute has been exaggerated and a false complaint has been given. He would further



submit that the de-facto complainant had deserted the petitioner and left the matrimonial home. The petitioner/husband has filed a petition seeking for restitution of conjugal rights, whereas, the de-facto complainant had filed a DVC petition and a maintenance petition before the lower Court. While so, based on the complaint given by her before the learned Judicial Magistrate, the case came to be registered based on the direction of the learned Judicial Magistrate under Section 156(3) of Cr.P.C. Hence, he would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that after registration of FIR, due enquiry was conducted and investigation has been completed and charge sheet has also been filed before the learned Additional Mahila Court, Dindigul in C.C.No.984 of 2022 and the case stands posted for hearing on 27.02.2023.

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, Dindigul District, 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 petitioners shall appear before the Additional Mahila Court, Dindigul on 27.02.2023 and thereafter, on the dates fixed by the learned trial Judge.

[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 FII be registered under Section 229A IPC.



sd/-
01/02/2023

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/02/2023

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

TO

1. THE ADDITIONAL MAHILA JUDGE,
DINDIGUL DISTRICT.
- 2 THE SUB INSPECTOR OF POLICE
ALL WOMAN POLICE STATION, DINDIGUL ALL WOMEN
POLICE STATION, DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SAKTHIVEL R Advocate SR.No.1619

ORDER
IN
CRL OP (MD) No.11238 of 2022
Date : 01/02/2023

MGJ(04.02.2023) 3P 5C