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CRL OP(MD). N



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

Date : 22/02/2023

PRESENT

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

CRL OP(MD). No.13766 of 2022

1. D.Ram Dhiwan

2. D. Ram Prabhu

... Petitioners/Accused Nos. 1&3

Vs

The Inspector of Police,
All Women Police Station,
Virudhunagar.
(Crime No. 15 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Suthakaran.I

For Intervenor : Mr.G.Mariappan

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 15 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 Sections * **294(b)** , **498(A)** , **506(i)** of **IPC**, in Crime No.15 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the marriage between her and the first accused was solemnized on 17.02.2019 and they were blessed with a female



child on 21.12.2019. Due to matrimonial dispute, the persons had harassed and demanded additional dowry from her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case has been foisted against them, due to matrimonial dispute. Admittedly, the petitioners are having 11 sovereigns of gold jewels of the defacto complainant, whereas, the defacto complainant is having 21 sovereigns of gold jewels of the petitioners. The only dispute between the parties is that the defacto complainant has insisted her husband to come and stay with her parents. A1 has filed a HMOP No.112 of 2022 before the Sub Court, Virudhunagar for restitution of conjugal rights, since he is ready to live with the defacto complainant. Hence, prays to release the petitioners on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons have demanded more dowry and harassed the defacto complainant. Considering the gravity of the offence, prays to dismiss the petition.

5.The learned counsel for the intervenor would object to release the petitioners on anticipatory bail.

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

7.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.

8.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 No.II, Virudhunagar**, 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 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 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 Aadhaar card or bank pass book to ensure their identity;



(b) the petitioners shall report before the police everyday at 10.30 a.m., until further orders;

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

WEB COPY (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;

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

sd/-
22/02/2023

(*) CORRECTED AS PER ORDER OF THIS
COURT DATED 17.03.2023 IN CRL OP
(MD) NO.13766 OF 2022

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 22/02/2023 ALREADY DESPATCHED

1. The Judicial Magistrate No.II,
Virudhunagar.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
3. The Inspector of Police,
All Women Police Station,
Virudhunagar.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-2710[I] dated 22/02

ORDER

IN

CRL OP(MD) No.13766 of 2022

Date : 22/02/2023

NA/BUC/SAR-2/03.03.2023/4P/6C

ED/CG/SAR-1 (23/03/2023) 4P 6C