



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2023

PRESENT

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.13930 of 2022

WEB COPY

1.T.Aravinth
2.T.Eswari
3.V.Thavaselvam
4.T.Hema
5.K.Jeyanthi

...Petitioners/Accused No.1 to 4 & 8

-vs-

1. State represented by
The Inspector of Police,
All Women Police Station,
Theni.
(Cr.No.40 of 2022)

...1st Respondent/Complainant

2.Ananthi

...2nd Respondent/Defacto
complainant

(R2 is suo motu impleaded as
per order of the court dated
03.08.2022 in Crl.O.P (MD)
No.13930 of 2022 by GIJ)

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.40 of 2022 on the file of the respondent Police.

For Petitioners : Mr.P.Kannithevan

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.Thomas Rajadurai

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 294(B), 323, 342 and 506(i) IPC and Section 4 of TN Prohibition of Harassment of Women Act and Section 4 of Dowry Prohibition Act in Crime No.40 of 2022 on the file of the respondent Police, seek

<https://www.mca21.com/> and the order for bail.



2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant. After marriage, the petitioners harassed the defacto complainant demanding more dowry. Hence, the case has been registered.

3.Heard both sides and perused the materials available on record.

4.Considering the fact that it is a case of matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Theni, 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 first petitioner shall report before the respondent police daily at 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation and the other petitioners shall report before the respondent police as and when required for interrogation;

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;



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

sd/-
07/03/2023

/ TRUE COPY /

/03/2023

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

Vsd

To

1.The Additional Mahila Court, Theni.

2.The Inspector of Police,
All Women Police Station,
Theni.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.THIRUVARULSELVAN, Advocate (SR-3522[I] dated
07/03/2023)

ORDER

IN

CRL.O.P(MD)No.13930 of 2022

DATE : 07.03.2023

NA/SBN/SAR-2/17.03.2023/3P/5C