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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15695 of 2023

1. Kannamani

2. Raja

... Petitioners/ Accused No.2 & 3

Vs

The State Represented by
The Inspector of Police,
Dindugal Taluk Police Station,
Dindigul District.
(Crime No.441 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Sankarakumarakuruparan K P,
Advocate.

For Intervenor : M/s.K.Rajasekar
Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.441/2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioners/ A2 and A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406,498(A), 506(1) of IPC in Crime No.441 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 01.12.2019 and at the time of marriage the father of the defacto complainant gave a sum of Rs.1,50,000/- cash and 18 sovereigns of gold jewels as sreedhana and after marriage they were living happily. After few months of marriage the first accused regularly come to house in a drunken mood and harassed her . Therefore the defacto complainant lodged complaint before the respondent police, no action has been taken. Hence she has filed a complaint under Section 156(3) before the Mahila Court, Dindigul and based on the direction issued by the learned Magistrate this case has been registered.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners herein are father-in-law and mother -in law of the defacto complainant and they never resided with the defacto complainant after marriage and they are no way connected with the said occurrence, hence he seeks anticipatory bail.



4. The learned Additional Public Prosecutor would submit that the all the accused persons caused cruelty on the defacto complainant, hence he objected to grant anticipatory bail to the petitioners.

5. The learned counsel appeared on behalf of the intervenor/ defacto complainant and he was permitted to putforth his arguments. He strongly objected to grant anticipatory bail to the petitioner son the ground that they caused cruelty on the defacto complainant by demanding additional dowry.

6. Heard both side and perused the materials available on record.

7. Considering the rival submissions on either side and considering the fact that it is a case of matrimonial dispute between the parties and also considering the nature of offences and all other aspects, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. 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 learned Judicial Magistrate, Additional Mahila Court, Dindigul on condition that the petitioner 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the concerned Jurisdictional Magistrate on

the first day of every English Calendar month at 10.00 am., for a period three



months and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

<https://www.mhc.tn.gov.in/judis>



3 THE INSPECTOR OF POLICE
DINDUGAL TALUK POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.SANKARAKUMARAKURUPARAN K P Advocate SR.No.12987

ORDER
IN
CRL OP(MD) No.15695 of 2023
Date :30/08/2023

SSA/VRS/07.09.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023