



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

Date : 21/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.20798 of 2021

WEB COPY

1. Sherin Femila
2. Lazer
3. Lalitha
4. Manonmani

... Petitioner 1st to 3 and 5th Accused

Vs

1. The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.
Cr. No. 31 of 2020..

2. Kanakaraj
(R2 suo-motu impleaded as per
Order, dated 03.01.2020 in CRL OP(MD) . No.20798 of 2021).
... Respondents/Complainants

For Petitioners : M/s.Herold Singh S.C

For Respondent No.2: Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

R2- No Appearance

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

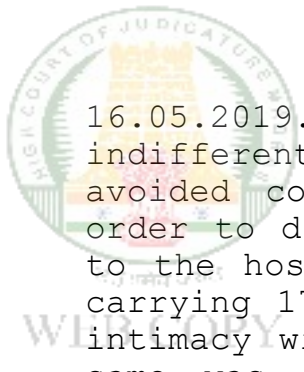
PRAYER :-

For Anticipatory Bail in Crime No.31 of 2020 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), 323, 327, 418, 420, 506(ii), 120(B) of I.P.C, in
Crime No.31 of 2020, on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution as per the defacto
complainant is that his son got married the first accused on



16.05.2019. After the marriage, the first accused had indifferently complaining that she suffers from stomach pain and avoided contact with her husband/defacto complainant's son. In order to diagnose the reason for pain, the first accused was taken to the hospital on 10.07.2019 and found that she was pregnant and carrying 17 weeks baby. The first accused had stated that she got intimacy with one Manoj and she got pregnant. On 22.07.2019, the same was intimated to the first accused's family and agreement cancelling the marriage was executed. Hence, the complaint.

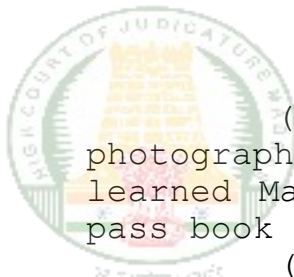
3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, due to matrimonial dispute between the parties. The first petitioner is the wife of defacto complainant's son and the second and third petitioners are her parents. The defacto complainant and his son demanded dowry and harassed the first petitioner, thereby, the first petitioner came out of her matrimonial home. The case has been registered by the respondent Police, based on the direction given by the learned Judicial Magistrate No.II, Nagercoil, under Section 156(3) of Cr.P.C. The petitioners are ready to abide any stringent condition imposed by this Court. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the first petitioner is the daughter-in-law of the defacto complainant and other petitioners are her relatives. The first petitioner had suppressed her earlier marriage and her pregnancy and had married and cheated defacto complainant's son, with the help of other petitioners. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though this Court by order dated 03.01.2022, had impleaded the defacto complainant as second respondent in this case, there is no representation on the side of the second respondent.

6.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.

7.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, Nagercoil**, 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 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 learned 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 a.m., for two weeks and thereafter, as and when required;

(c) the petitioners shall not tamper with the 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]**; and;

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

sd/-

21/02/2023

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/ 03 /2023

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

PNM

TO

1. The Judicial Magistrate No.II, Nagercoil.

2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3. The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-9781[F] dated 22/02/2023)

ORDER

IN

CRL OP(MD) No.20798 of 2021

Date :21/02/2023

RD/RG/SAR-II (03/03/2023) 3P 6C

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