



**CRL OP(MD). No.19136 of 2023**

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

Date : 31.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM  
CRL OP(MD). No.19136 of 2023

1.Sulaiman  
2.Samsudeen

... Petitioners/ Accused Rank not known

Vs

The State rep.by,  
The Inspector of Police,  
All Women Police Station,  
Tenkasi District.  
(\*)Crime No.16 of 2023.

... Respondent/Complainant

For Petitioner : M/s.C.Susikumar, Advocate.  
For Respondent : Mrs.M.Aasha, Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in (\*)Crime No.16 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable (\*)under Sections 498(A), 323, 406 and 506(ii) of IPC and 4 of Prohibition of Woman Harassment Act in Crime No.16 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner



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and the de-facto complainant was solemnized on 26.01.2020. At the time of marriage, defacto complainant's parents presented 33 grams of gold jewels as Magar and other marriage srithana articles. After marriage, the first petitioner had demanded additional dowry at the instigation of other accused and harassed the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioners and other accused harassed the defacto complainant by demanding additional dowry. Hence, she opposed to grant anticipatory bail to the petitioners.

5. It is notice that is a dispute between the family members.

6. Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the



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petitioners are having permanent residents at Tenkasi District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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, Tenkasi, on condition that the petitioners shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall report before the trial Court on receipt of summons;

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



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

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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
31/10/2023

(\*)Amended as per order of this Hon'ble Court in  
CRL MP(MD).16589/2023 in CRL OP(MD).  
19136/2023 dated 27/11/2023

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/12/2023

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

sjj  
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON  
07/11/2023

1. THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.



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3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, TENKASI DISTRICT.

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

+1 CC to M/s.C.SUSIKUMAR, Advocate ( SR-16990[I] dated 28/11/2023 )

ORDER  
IN

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Date :31/10/2023

RK/VRS (03/11/2023) 5P / 6C

RS /JGB (07/12/2023) 5P / 6C

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