



CRL OP(MD). No.19603 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19603 of 2023

1. Durai

2. Mala

3. Sudhakar

4. Sukumar

5. Sumathi

6. Devika

7. Jayasri

8. Salomiya

... Petitioners/ Accused No.2 to 9

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy District.
Cr.No.18/2023.

... Respondent/Complainant



CRL OP(MD). No.19603 of 2023

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

WEB COPY

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

PRAYER :-

For Anticipatory Bail in Crime No.18/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(a), 323, 406, 498(A) and 506(i) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Dowry Prohibition Act, 1961 in Crime No.18 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the first accused and the defacto complainant on 27.03.2022 and at time of marriage, 50 sovereigns of gold jewels, bullet bike and cash of Rs.5,00,000/- were given as dowry to the first accused. After marriage, the petitioners harassed the defacto complainant by demanding additional dowry. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.



CRL OP(MD). No.19603 of 2023

WEB COPY

4.The learned Government Advocate(Crl.side) appearing for the respondent would submit that there was a matrimonial dispute between the parties and investigation is pending.

5.Taking note of the facts and circumstances of the case and 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 Kamlendra 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 petitioners are having permanent residents at Trichy 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 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.



CRL OP(MD). No.19603 of 2023

6. 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, Lalgudi, Trichy District, 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.

[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].



CRL OP(MD). No.19603 of 2023

[e] If the accused thereafter abscond, a fresh FIR can be registered under

WEB COPY

Section 229A IPC.

sd/-
03/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE
LALGUDI, TRICHY DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, LALGUDI, TRICHY DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-15963[I] dated
06/11/2023)

ORDER
IN
CRL OP(MD) No.19603 of 2023
Date :03/11/2023

SS/DD/SAR- /17/11/2023/5P/6C

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