



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1905 of 2023

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1.Bosemani
2.Rajalakshmi

...Petitioners/Accused nO.2 & 3

-vs-

The State Rep. By
The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
(Cr.No.43 of 2022)

...Respondent/Complainant

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

For Petitioners : M/s.R.L.Dillipan Pandian

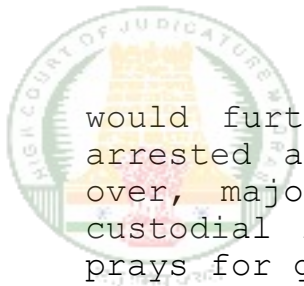
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

ORDER:

The petitioners/Accused 2 and 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 313, 506(i) r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 4 of Dowry prohibition Act, in Crime No.43 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 09.12.2021. From the date of marriage, the petitioners and other accused harassed the defacto complainant by demanding dowry and threatened her with dire consequences and also forcibly aborted the pregnancy of the defacto complainant. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case since they happen to be the parents of the first accused. He would submit that this is second application for anticipatory bail and the earlier application filed on their behalf was dismissed by this Court on 01.12.2022 stating that the first accused is arrested and investigation is in preliminary stage. He



would further submit that the son of the petitioner/A1 is arrested and subsequently he has been enlarged on bail and more over, major part of investigation is over. He would submit that custodial interrogation of the petitioner may not be required. He prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (crl.side) would submit that this is second application for anticipatory bail and the case arises out of matrimonial dispute and the petitioners along with their son/A1 had harassed the defacto complainant and demanded more dowry. He would further submit that the first accused has been arrested and later he has been released on bail and investigation is in midway. He would object for grant of anticipatory bail to the petitioners.

5.Heard and perused the materials available on record. This Court is of the opinion that custodial interrogation of the petitioners may not be required in this case.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Karaikudi, Sivagangai District, on condition that the petitioners shall execute 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 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 everyday at 10.30 a.m for a period of two weeks and thereafter every Saturday at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with 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]**.

<https://www.mca21.gov.in/judis>



[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
01/02/2023

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

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TO

- 1.THE JUDICIAL MAGISTRTE, KARAUKUDI, SIVAGANGAI DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KARAUKUDI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.1905 of 2023
Date :01/02/2023

NA/CG/SAR-4 (08/02/2023) /3P/4C