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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22311 of 2022

1. Harishkumar

2. Vijaya

... Petitioners/Accused Nos.1&2

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Thanjavur.
(Crime No.37/2022).

... Respondent/Complainant

2.S.Aishwarya

...Petitioner/Intervener
in CRL MP(MD)No.16249 of 2022

For Petitioner : M/s.Deenadhayalan.S,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

For Intervenor : Mr.M.Dinesh Hari Sudarsan, Advocate

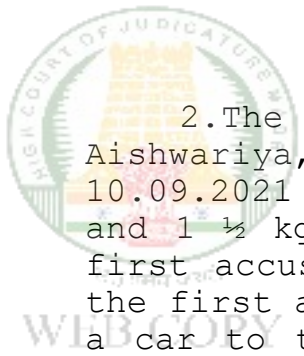
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.37/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 498(A) and 406 of I.P.C., in Crime No.37 of 2022 on the file of
the respondent police, seek anticipatory bail.



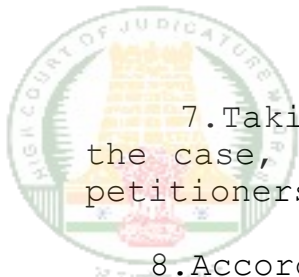
2.The case of the prosecution, as per the de-facto complaint at Aishwariya, is that she got married to the first accused on 10.09.2021 and at the time of marriage, 50 sovereigns of gold jewels and 1 ½ kgs of silver articles were given as dowry and since the first accused was working as a Software Engineer and the mother of the first accused/A2 is a Government teacher, they have asked to buy a car to the first accused and therefore, the parents of the de-facto complainant have given a sum of Rs.4,00,000/- to the accused. While so during November 2021, the second accused used to take her and her husband to the Magician and compelled her to drink some magic potion. The further allegation is that later, she came to know that the first accused was having relationship with certain women who have worked along with him. The further allegation is that the accused had driven her out of the house and since she was fearing of the accused, she was living in her parents house and on 19.10.2022, when she had gone to house of the first accused, they have threatened her and once again she has gone there on 24.10.2022 on Deepavali day and they have threatened her and later, they have sent a divorce notice. Since the accused have demanded dowry and driven her out of the matrimonial home, the present case has been registered against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and due to a matrimonial dispute, an exaggerated complaint has been given. He would further submit that the de-facto complainant had left the matrimonial home even prior to November 2022 and there was some disputes going on between the parties. He would further submit that the first petitioner had filed a divorce petition before the Family Court, Mannarkudi in H.M.O.P.No.158 of 2022 and the same is still pending and only thereafter, a false complaint has been given with all these allegations. He would further submit that the entire allegations are exaggerated and only given as a counter blast to the matrimonial proceedings initiated by the petitioners, the present complaint came to be registered.

4.The learned Government Advocate (Crl. side) would submit that the marriage between the first petitioner and the de-facto complainant was solemnized on 10.09.2021 and the further allegation is that the first accused had illicit relationship with other women and they had driven the de-facto complainant out of the matrimonial home. Hence, he opposed to grant anticipatory bail.

5.The learned counsel for the intervenor vehemently opposed to grant anticipatory bail and also concedes the submission made by the learned Government Advocate (Crl. side) appearing for the respondent police.

6.Heard. Perused the materials available on record including the First Information Report.



7. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain 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, Thiruthuraipoondi, 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 petitioner 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, daily at 10.30 a.m., for a period of four weeks and thereafter, on 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].

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

sd/-
13/02/2023

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/02/2023

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

sjj

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TO

1. THE JUDICIAL MAGISTRATE, THIRUTHURAIPOONDI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THANJAVUR.

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

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-2337[I] dated
15/02/2023)

ORDER

IN

CRL OP(MD) No.22311 of 2022

Date :13/02/2023

RK/BUC/SAR-4 (21/02/2023) 4P/6C