



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.01.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22935 of 2022

WEB COPY

1.Kasankathal
2.M.Mariammal

...Petitioners/2 & 3 Accused

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Srivaikumdam, Thoothukudi District.
(Cr.No.15 of 2021)

...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.15 of 2021 on the file of the respondent Police.

For Petitioners : Mr.R.M.Suresh

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498(A) and 294(b) of IPC in Crime No.15 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to matrimonial dispute between the parties, the petitioners and other accused have harassed the de-facto complainant by demanding additional dowry and driven her out of the matrimonial home and also tried to kill her second child. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the petitioners are the mother-in-law and the sister-in-law of the de-facto complainant and this is the second application for anticipatory bail and the earlier application for anticipatory bail was dismissed on the ground that the investigation was in the initial stage and that there are specific allegations against the petitioners. He would submit that subsequently, a mediation was conducted and during mediation, the petitioners have



also handed over the jewels belonging to the de-facto complainant. Hence, he seeks for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the specific allegation against the petitioners is that the first petitioner has harassed the de-facto complainant by demanding more dowry and the second petitioner induced the first accused to send away the de-facto complainant from the matrimonial home. He would further submit that the matter was referred to the mediation and during mediation, the accused have handed over the jewels to the de-facto complainant and he would submit that major part of the investigation is also over.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Court, Srivaikundam, 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 one week, thereafter first Saturday of every month at 10.30 am 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]**.



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

sd/-
04/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Judicial Magistrate Court, Srivaikundam.

2. Do Through The Chief Judicial Magistrate,
Thoothukudi.

3.The Inspector of Police,
All Women Police Station,
Srivaikundam, Thoothukudi District.

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

+1 CC to M/s.SURESH.R.M, Advocate (SR-184[I] dated 05/01/2023)

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TR/BUC/SAR III(10.01.2023) 3P 6C