



CRL OP(MD) No.419 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 MOHAMMED GANI

2 RAHAMATH NISHA

3 BISMILLAH BANU

4 FATHIMA SALMA

... PETITIONERS/ ACCUSED NO.2 TO 5

Vs

THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION,
CANTONMENT AWPS,
TRICHY DISTRICT.
CRIME NO.29/2023.

... RESPONDENT/ COMPLAINANT

For Petitioner :MR. R.SAKTHIVEL Advocate

For Respondent : MR.P.KOTTAI CHAMY,Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.29/2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

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The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498-A, 323, 506(1) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.29 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners 2 & 3 are the parents of A1 and the petitioners 3 & 4 are the brother of A1. The marriage was took place between A1 and the defacto complainant on 09.07.2020. Thereafter, A1 along with the petitioners harassed the defacto complainant by demanding additional dowry. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that already anticipatory bail was granted by this Court in CrI.OP(MD)No.19658 of 2023, on 03.11.2023 before registration of FIR. After a lapse of 1 month, present FIR has been



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registered against the petitioners. He further submitted that it is a matrimonial dispute only between A1 and the defacto complainant. After marriage, A1 and the defacto complainant started their matrimonial life in a separate house. The petitioners are the only in-laws of the defacto complainant and no-way connected in any of the offence. Further, a Domestic Violence Case in D.V.C.No.144 of 2023 is pending before the Additional Mahil Court, Trichy and a suit in O.S.No.82 of 2023 also pending before the Family Court, Trichy, against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that it is a matrimonial dispute between A1 and the defacto complainant. The investigation is pending.

5. Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute between A1 and the defacto complainant, the petitioners herein are only in-laws of the defacto complainant and there is no serious allegation against the petitioners, I am inclined to grant anticipatory bail to the petitioners.



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6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the Additional Mahila Court, Trichy District, 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the first petitioner shall report before the respondent police daily at 10.30 a.m, for a period of 2 weeks and thereafter as when required for interrogation; The petitioners 2 to 4 shall report before the respondent police as when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during



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investigation or trial;

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(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2024

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/01/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1. The Judge, Additional Mahila Court,
Trichy District.

2. The Inspector of Police,
All Women Police Station,
Cantonment AWPS,
Trichy District.

<https://www.mhc.tri.gov.in/judis>



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

+1 CC to M/s.R.SAKTHIVEL, Advocate (SR-557[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.419 of 2024
Date :10/01/2024

RK/DD (18/01/2024) 6P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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