



CRL OP(MD) No.377 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

CRL OP(MD) No.377 of 2024

S.KANNAN

... PETITIONER / ACCUSED No.5

Vs

**THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
CRIME NO.23/2023.**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.MURUGAN M. Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.23/2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

The petitioner/ A5, who apprehends arrest at the hands of the respondent



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police for the alleged offence under Sections 498(A), 341, 323 and 506(1) of IPC, in Crime No.23 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the brother of A1. A1 and the defacto complainant are the husband and wife. The marriage took place between A1 and the defacto complainant on 03.11.2022. After marriage, the defacto complainant came to know that A1 is having mental retardation. When the same was questioned by the defacto complainant, A1 along with the petitioner and other family members harassed the defacto complainant by threatening her not to disclose the same to her parents and others and also demanding additional dowry. Hence, a complaint has been lodged by the defacto complainant before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the defacto complainant only demanded a sum of Rs.10 lakhs from the accused persons for giving mutual divorce. When the same was refused, she foisted this false case against the petitioner and the other accused. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted

that the petitioner is the brother-in-law of the defacto complainant and brother of A1.

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



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Due to matrimonial dispute, the defacto complainant lodged a case against A1, petitioner and the other in-laws and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that no specific overt act is attributed against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Srivilliputhur, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner 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 his 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 his identity;



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(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO
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- 1 THE ADDITIONAL MAHILA JUDGE
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.377 of 2024
Date :10/01/2024

PKP/DD/SAR- /18.01.2024/ 5P/ 4C

Madurai Bench of Madras High Court is issuing certified
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