



CRL OP(MD) No.517 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.517 of 2024

1 V.SETHURAMAN

2 MAHALAKSHMI

... PETITIONERS/ ACCUSED NO.3 & 4

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VADAMADURAI,
DINDIGUL DISTRICT.
CRIME NO.23/2023.

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.SARVAGAN PRABHU, Advocate
For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF 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 petitioners/ A3 & A4, who apprehend arrest at the hands of the respondent
police for the alleged offence under Sections 498(A), 294(b), 323, 109, 506(i) of IPC and



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Section 4 of Dowry Prohibition Act, 1961, in Crime No.23 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is the paternal uncle of A1. The second petitioner is the mother of A1. A1 and the defacto complainant are the husband and wife. The marriage was took place between A1 and the defacto complainant on 22.08.2022. Even though, the defacto complainant was given sufficient sridhanas at the time of marriage, A1 along with the petitioners harassed the defacto complainant by demanding additional dowry. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

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 that it is a matrimonial dispute only between A1 and the defacto complainant. The petitioners herein are only in-laws of the defacto complainant. Further, the defacto complainant filed a petition in H.M.O.P.No.414 of 2023 before the Family Court, Dindigul, seeking divorce. All the efforts taken by the petitioners and their family members to dissolve the dispute between A1 and the defacto complainant ended in vein. In order to harass the petitioners and their family members, the defacto complainant made the repeated complaints before the Law Enforcing Agency. Hence, he prays for grant of



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anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that it is a matrimonial dispute between A1 and the defacto complainant. A1 and A2 were already arrested and remanded to judicial custody. The investigation is not yet completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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.

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 learned Judicial Magistrate, Vedaendur, Dindigul 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:



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(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 second petitioner shall report before the respondent police as when required for interrogation;

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

(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;



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

sd/-
11/01/2024

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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

TO

1 THE JUDICIAL MAGISTRATE, VEDASANDUR, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
VADAMADURAI, DINDIGUL DISTRICT.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-617[I] dated 11/01/2024)

ORDER

IN

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Date :11/01/2024

RS/JGB/SAR-(22.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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