



CRL OP(MD) No.2334 of 2024

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2334 of 2024

1.M.SUBBIAH

2 S.VIJAYA

... PETITIONER/ ACCUSED NO.2&3

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TOWN, TIRUNELVELI CITY,
TIRUNELVELI.

CRIME NO.15/2023

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.S. KUMAR, Advocate

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

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.15 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for



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the alleged offence under Sections 406, 494, 498A of IPC and Section 4 of TNPWH Act, in Crime No.15 of 2023, seek anticipatory bail.

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2.The case of the prosecution is that the marriage between the defacto complainant and the first accused was performed on 13.12.2021. After that, the defacto complainant's husband went to USA for job basis and on 23.05.2022, the defacto complainant also went to USA and lived along with her husband. Thereafter, the family members of the defacto complainant's husband also lived with them, at that time, one Muthukumar and his wife Haripriya, who are relatives of the first accused, demanded more dowry from the defacto complainant and threatened her to kill. At the instigation of the said Muthukumar and his wife, on 06.12.2022, the defacto complainant's husband attacked the defacto complainant with intention to murder and broken her finger, so, she called 911 control room and they arrested her husband and she was stayed at home in USA. On 20.06.2023, the defacto complainant came down to India and requested her husband for reunion, but the petitioners did not allow her to enter into their house. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they

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have been falsely implicated in this case. It is a dispute between the husband and wife and these petitioners are in-laws of the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that it is the family dispute between the husband and wife. Hence, he has no objection to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that it is the matrimonial dispute between the first accused and the defacto complainant and these petitioners are in-laws of the defacto complainant, 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 No.IV, Tirunelveli, on condition that each of the petitioners shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), to the satisfaction of the respondent police or the police officer who



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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 petitioners shall report before the respondent Police as and 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/-
15/02/2024

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/02/2024

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

INDU

TO

1.THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TOWN, TIRUNELVELI CITY,
TIRUNELVELI.

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

+1 CC to M/s.S.KUMAR, Advocate (SR-1998[I] dated 16/02/2024)

ORDER
IN

CRL OP(MD) No.2334 of 2024
Date :15/02/2024

RK/VR (28/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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