



CRL OP(MD) No.3581 of 2024

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

Monday, the Eleventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.3581 & 3582 of 2024

1 GURUSAMY
2 JOTHI @ VISHWAJOTHI
3 SOBIYA

... PETITIONERS/ ACCUSED NO.2 TO 4
IN CRL OP(MD)..3581/2024

KALEESWARAN

... PETITIONERS/ ACCUSED NO.1
IN CRL OP(MD)..3582/2024

Vs

1 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT
CRIME NO. 366 OF 2023

... RESPONDENT/COMPLAINANT
IN BOTH CRL OP'S

2 SAHANA

... RESPONDENT/DEFACTO COMPLAINANT

3 KALEESWARAN

... RESPONDENT/ ACCUSED NO.1
IN CRL OP(MD)..3581/2024

IN BOTH PETITIONS

For Petitioner : M/S.C.SURESH KANNAN, Advocate

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

PETITIONS FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.



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COMMON PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.366 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

COMMON ORDER : The Court Made the following order :-

The petitioners/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 498(A), 294(b), 506(i) of IPC in Crime No.366 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner in Crl.O.P(MD) No.3582 of 2024. Some dispute was arose between them, stating that at that time of marriage, it was informed that the petitioner in Crl.O.P(MD) No.3582 of 2024 is working under Central Government, but later, it came to knowledge of his wife that the petitioner in Crl.O.P(MD) No.3582 of 2024 is not working in the State or Central Government, hence, they got separated. The accused persons in Crl.O.P(MD) No.3581 of 2024 alleged to have demanded dowry from the defacto complainant. On 25.04.2023, the accused persons went to the defacto complainant's wife to see the child, at that time, wordy quarrel arose between both the families. Hence the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent, they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. On earlier occasion, the matter was referred to the mediation centre for compromise and compromise was reached



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between the defacto complainant and the petitioner in Crl.O.P(MD) No.3582 of 2024.

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But, thereafter also, frequent trouble arose between them and they demanded more dowry. Further, the petitioner in Crl.O.P(MD) No.3582 of 2024 is ready and willing to join and live with the defacto complainant, but the defacto complainant is refused to live with the petitioner in Crl.O.P(MD) No.3582 of 2024.

4.The defacto complainant is appeared before this Court and stated that she is running a computer centre at Dindigul and earning money. Further, she demanded her husband to live with her at Dindigul.

5.The learned counsel for the petitioners would submit that the petitioner in Crl.O.P(MD) No.3582 of 2024 is working in Lighthouse at Chennai, hence, he demanded the defacto complainant to live with him at Chennai, but the defacto complainant refused the same.

6.The learned Government Advocate (Crl.Side) would submit that there is no compromise arose between the parties and the defacto complainant is not willing to live with the the petitioner in Crl.O.P(MD) No.3582 of 2024. Hence, he has no objection grant anticipatory bail to the petitioners.

7.Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.



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8. 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, Dindigul, 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 in both petitions 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 petitioner Nos.2 and 3 in CrI.O.P(MD) No.3581 of 2024 shall report before the respondent Police as and when required for interrogation and the petitioner No.1 in CrI.O.P(MD) No.3581 of 2024 and the petitioner in CrI.O.P(MD) No.3582 of 2024 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks, thereafter, as and when required;



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

(e)the petitioners in both petitions 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 both petitions 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/-
11/03/2024

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/03/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDGE, ADDITIONAL MAHILA COURT, DINDIGUL.

2 THE INSPECTOR OF POLICE, DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.



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

+2 CC to M/s.C.SURESH KANNAN, Advocate (SR-3041[I], SR-3042[I] dated
12/03/2024)

ORDER
IN
CRL OP(MD) Nos.3581 & 3582 of 2024
Date :11/03/2024

RS/JGB/SAR-(15.03.2024) 6P 6C
Madurai Bench of Madras High Court is issuing
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