



CRL OP(MD) No.3441 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 ANTHONY

2 LALITHA

3 RUBINA

4 SIVAKUMAR

... PETITIONERS / ACCUSED 2 TO 5

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO. 21/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S RAMASAMY.S 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. 21 OF 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, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 498A, 406, 294(b) of IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.21 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife. Immediately, after their marriage, the accused persons demanded more dowry, for which, they harassed the defacto complainant. 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 have been falsely implicated in this case. The petitioners are in-laws of the defacto complainant. They were granted anticipatory bail by the concerned Court with certain conditions, but they could not comply the conditions, so, cancellation of anticipatory bail petition was filed and the same was ordered, hence, the anticipatory bail granted to the petitioners was cancelled. Thereby, the present petition has been filed seeking anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that it is a matrimonial dispute between the first accused and the defacto complainant and the petitioners are in-laws of the defacto complainant. Hence, he has no objection to grant



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anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in-laws of the defacto complainant and there is no specific overt act attributed against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are is 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 (Magisterial Level) Nagercoil, 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;



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(c)the petitioner Nos.1 and 4 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and the petitioner Nos.2 and 3 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;

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

sd/-
05/03/2024

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



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INDU

TO

1 THE ADDITIONAL MAHILA JUDGE
(MAGISTERIAL LEVEL), NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.RAMASAMY, Advocate (SR-2752[I] dated 05/03/2024)

ORDER

IN

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Date :05/03/2024

SA/VR/SAR. /14.03.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.