



CRL OP(MD) No.3955 of 2024

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.3955 of 2024

1 SHAJU

2 FRANCIS

3 JEBASHINE

... PETITIONERS/1ST TO 3RD ACCUSED

4 PRINCE

5 GRACE FLORANCE

6 AJITHA

7 RAHINI

... PETITIONERS/5TH TO 8TH ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT.
CRIME NO. 6/2024

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.BHARATHY KANNAN, 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.6 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 to A3 & A5 to A8, who apprehend arrest at the hands of the
respondent police for the alleged offence under Sections 498(A) and 406 of IPC r/w

Sections 3(1), 4 and 6 of Dowry Prohibition Act, 1961, in Cr.No.6 of 2024, seek

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



CRL OP(MD) No.3955 of 2024

anticipatory bail.

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2.The case of the prosecution is that the marriage of the first petitioner and the defacto complainant was solemnized on 27.05.2020 at C.S.I. Church, Vazhuthanam as per the Christian Rites and they also blessed with a female child. Thereafter, the first petitioner and his in-laws harassed the defacto complainant by demanding additional dowry. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the marriage of the first petitioner and the defacto complainant was performed in the year 2020 and thereafter, she left the matrimonial home and started residing in her parental home. Thereby, a dispute arose, for which, the first petitioner filed a restitution of conjugal rights before the Family Court in D.O.P.No.92 of 2022 and for counter blast, the present FIR was lodged against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that pursuant to the direction of the learned Magistrate under Section 156(3) of Cr.P.C. the above FIR was registered against the petitioners and at the time of marriage, the petitioners received 25 sovereigns of gold jewels and Rs.1,00,000/- and thereafter, harassed the defacto complainant by demanding more money. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.



CRL OP(MD) No.3955 of 2024

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5.Considering the facts and circumstances of the case and also considering the fact that initially, the first petitioners filed D.O.P.No.92 of 2022 for restitution of conjugal rights and thereafter, the present FIR was registered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioners 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.1, Kuzhithura, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two common 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;

(c)the petitioners 1 to 4 shall report before the respondent police daily at 10.30



CRL OP(MD) No.3955 of 2024

WEB COPY

a.m., for a period of two weeks and thereafter, as and when required for interrogation; the petitioners 5 to 7 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/03/2024

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/03/2024

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

SJI



CRL OP(MD) No.3955 of 2024

TO

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1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

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

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

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

+1 CC to M/s.S.BHARATHY KANNAN, Advocate (SR-3170[I] dated 14/03/2024)

ORDER

IN

CRL OP(MD) No.3955 of 2024

Date :13/03/2024

RS/VR/SAR-(19.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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