



CRL OP(MD) No.4109 of 2024

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

Friday, the Fifteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 THANGAVEL

2 KRISHNAMMAL

3 JOTHI

... PETITIONERS/ ACCUSED NOS. 1 TO 3

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGULAN POLICE
STATION TENKASI DISTRICT.
CR.NO.23/2023

... RESPONDENT / COMPLAINANT

For Petitioner : MR.SANKAR.M, 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.23/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 to 3, who apprehend arrest at the hands of the

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respondent Police for the alleged offence punishable under Sections 498(A), 294(b), 323 IPC in (*)Crime No.23 of 2023, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute arose between A1 and the defacto complainant, the petitioners abused the defacto complainant by using filthy language and demanded dowry from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that the first petitioner is the husband and the second and third petitioners are in-laws of the defacto complainant. He would further submit that there is no specific allegation made against these petitioners. Hence, he prays for anticipatory bail.

4. The learned Government Advocate appearing for the respondent Police would submit that there is specific allegation made against the first petitioner / husband of the defacto complainant and there is no allegation made against petitioner Nos.2 and 3 and they are in-laws of the defacto complainant.

5. It is seen in the complaint that some allegations are made against petitioner

No.1, hence, this Court is not inclined to grant anticipatory bail insofar as petitioner

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No.1 is concerned. Accordingly, this Criminal Original Petition stands dismissed insofar as the first petitioner is concerned.

6. Considering the facts and circumstances and considering the fact that there is no specific allegation made against petitioner Nos.2 and 3, this Court is inclined to grant anticipatory bail to petitioner Nos.2 and 3.

7. Accordingly, petitioner Nos.2 and 3 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, Alangulam, Tenkasi District on condition that petitioner Nos.2 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties (common surety) 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 petitioner Nos.2 and 3 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



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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 are directed to appear before the respondent police as and when required for interrogation;

(d). the petitioner Nos.2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(e). the petitioner Nos.2 and 3 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/-
15/03/2024

(*)Corrected as per Order of this Hon'ble Court dt.02/04/2024 in CrI.OP(MD). 4109/2024.

Further Time is extended for a further period of two weeks, for executing sureties, from the date of receipt of a copy of the amended order.

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

TO BE SUBSTITUTED WITH THE ORDER DT.15.03.2024 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TENKASI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGULAN POLICE STATION TENKASI DISTRICT.



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

ORDER IN
CRL OP(MD) No.4109 of 2024
Date :15/03/2024

PKP/GS/SAR /20.03.2024/ 6P/ 5C
OGY

SA/GS/SAR. /05.04.2024/5P/5C

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