



CRL OP(MD) No.4303 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Nineteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4303 of 2024

1 R.VIGNESHWARAN

2 SHANMUGASUNDARAM

3 KAMALAKANNAN

... PETITIONERS / ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI.

IN CRIME NO.68/2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SARAVANAN.R 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.68/2023 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 the alleged offence under Sections 498(A), 406, 506(i) of IPC, in Crime No.68 of
2023, seek anticipatory bail.



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2.The case of the prosecution is that the first petitioner is the husband of the defact complainant. The second and third petitioners are the uncles and elder uncle's son respectively of the first petitioner. After the marriage, the first petitioner and his relatives demanded more dowry from the defacto complainant. Hence, there was quarrel between them. Thereby, the defacto complainant was harassed by the petitioners and the mother of the first petitioner demanding dowry. Hence, the present 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. There was matrimonial dispute between the first petitioner and the defacto complainant, since the defacto complainant insisted the first petitioner to purchase a house at Madurai or Thirubuvanai to settle her parents. Due to the matrimonial dispute, the first petitioner filed a divorce petition in HMOP No.680 of 2023 on the file of the Family Court, Pondicherry and the same is pending. Thereafter, the false complaint has been given by the defacto complainant. The second and third petitioners are living seperately and they are no way connected with the matrimonial dispute between the first petitioner and the defacto complainant. Hence, So, he prays for granting anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) would submit that it is the matrimonial dispute between the first petitioner and the defacto complainant. 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 petitioner and the defacto complainant and there is no specific overt act against the petitioner Nos.2 and 3, who are uncle and elder uncle's son respectively of the first petitioner, this Court is inclined to grant anticipatory bail to the petitioner Nos.2 and 3. Since the first petitioner is a husband and serious allegations are made against him, this Court is not inclined to grant anticipatory bail to first petitioner.

6. Accordingly, this petition is partly allowed. In respect of the petitioner Nos.2 and 3, this petition is allowed and in respect of the first petitioner, this petition is dismissed. The 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 No.II, Madurai, on condition that the petitioner Nos. 2



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and 3 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 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 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 shall report before the respondent Police daily at 10.30 p.m., for a period of two weeks and thereafter, he shall report before the respondent Police as and when required.

(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 petitioner Nos. 2 and 3 in



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accordance with law as if the conditions have been imposed and the petitioner Nos. 2 and 3 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/-
19/03/2024

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

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI.



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

+1 CC to M/s.R.SARAVANAN, Advocate (SR-3367[I] dated 19/03/2024)

ORDER
IN
CRL OP(MD) No.4303 of 2024
Date :19/03/2024

SS/VR/SAR- /01/04/2024/6P/6C

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