



CRL OP(MD). No.17990 of 2024

WEB COPY

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

Date : 29.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.17990 of 2024

1.Harish Kumar

2.Shalini

3.Vijai

4.Manoj Kumar

5.Meenal

6.Rajagopal

... Petitioners/ Accused 1 to 6

Vs

1.The State of Tamil Nadu

Represented by the Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.20 of 2024)

... 1st Respondent/Complainant

2.Jenifa

(R2 is suo motu impleaded as per
order of the Court dated 21.10.2024
in CrI.OP(MD).No.17990 of 2024)

... 2nd Respondent/ Defacto Complainant



CRL OP(MD). No.17990 of 2024

For Petitioners: Mr.R.L.Dhilipan Pandian,
Advocate (for P1)

Mr.K.Sudalaiyandi,
Advocate (for P2 to P6)

For R1 : Mr.A.Albert James,
Government Advocate (Criminal Side)

For R2 : Mr.C.Senthil Murugan, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.20/2024 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 offences under Sections 296(b), 115(2), 351(3), 74 of BNS and Section 4 of Dowry Prohibition Act, 1961, in Crime No.20 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the defacto complainant and A1. The same resulted in the lodging of a criminal case against A1 and the other family members. A1 to A6 filed this anticipatory bail petition and this Court by an order dated 21.10.2024 was inclined to grant anticipatory bail to A2 to A6. The matter was kept pending for A1 and the parties



were referred to the mediation centre.

WEB COPY

3. The parties were not able to reach any settlement before the mediation centre and therefore, the case has been listed before this Court.

4. Heard the learned counsel on either side and perused the material records of the case.

5. The main dispute insofar as A1 is concerned is that the jewelry belonging to the defacto complainant is in the house of A1 and that A1 is refusing to give back the jewels. The learned counsel for the petitioner (A1) submitted that the jewelry is available and the locker key is only with the defacto complainant. Therefore, unless and otherwise the defacto complainant opens the locker, the jewelry cannot be returned back.

6. The learned counsel for the intervenor submitted that A1 is refusing to give back the jewelry belonging to the defacto complainant.

7. Taking into consideration the facts and circumstances of the case and considering the fact that there is a matrimonial dispute between the parties, this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions.

8. Accordingly, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on



CRL OP(MD). No.17990 of 2024

WEB COPY

which the order copy made ready, before the learned Additional Mahila Court (Magisterial Level), Ramanathapuram, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 1st petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] it is left open to the defacto complainant to go over to house of A1 and open the locker and take her jewelry.

[c] the 1st petitioner shall appear before the respondent Police as and when required for interrogation.

[d] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 1st petitioner 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 in accordance with



CRL OP(MD). No.17990 of 2024

WEB COPY

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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023. IPC.

sd/-
29/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

To

- 1.The Judge,
Additional Mahila Court (Magisterial Level),
Ramanathapuram District.
- 2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD). No.17990 of 2024

ORDER
IN
CRL OP(MD) No.17990 of 2024
Date :29/11/2024

ED/ GSV /SAR- (05/12/2024) 6P / 5C

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