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CRL OP(MD) No.19757 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 DHILIPAN SUNDAR
2 S.GANESAN
3 GANDHIMADHI
4 K.HARIKRISHNANJI
5 S.G RAMYA

... PETITIONERS/ ACCUSED NO.1 TO 5

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ANNA NAGAR, MADURAI,
MADURAI DISTRICT.
CRIME NO. 45 OF 2023

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.SUNDAR, Advocate
For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)
For Intervenor : MR.SEKAR, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 45 OF 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 and 506(i) IPC, in Crime No.45 of 2023,



seek anticipatory bail.

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2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was performed in the year 2018 and the petitioners have harassed the defacto complainant and threatened her with dire consequences. 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 have been falsely implicated in this case. He would further submit that the defacto complainant was residing along with the first petitioner without any quarrel for five years and without any reason, she went away from matrimonial home without intimating the first petitioner. He would further submit that during the pendency of this petition, 40 sovereigns of jewels were returned to the defacto complainant and the first petitioner is ready to live with the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervenor would submit that during the time of marriage, 83 sovereigns were given, out of which, only 40 sovereigns were returned to the defacto complainant.

5.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to be completed.



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6. Considering the facts and circumstances of the case and the fact that it is a family dispute between the petitioners and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners 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.6, Madurai, 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;

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



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interrogation and the petitioner Nos.3 and 5 shall report before the respondent

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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;

8. For obtaining the remaining jewels from the petitioners, liberty is granted to the defacto complainant to work out her remedy in the manner known to law.

sd/-

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

SSB



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TO

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1 THE JUDICIAL MAGISTRATE NO.6, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
ANNA NAGAR, MADURAI, MADURAI DISTRICT.

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

+1 CC to M/s.R.SUNDAR, Advocate (SR-2666[I] dated 04/03/2024)

ORDER
IN

CRL OP(MD) No.19757 of 2023

Date :01/03/2024

RS/GS/SAR-(11.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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