



CRL OP(MD) No.20879 of 2023

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20879 of 2023

1 V.VENKATRAMANA

2 V.VIJAYALAKSHMI

... Petitioners / Accused No.1 & 2

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVERAMBUR,
THIRUCHARAPALLI DISTRICT.
(CRIME NO. 20/2023.)

... Respondent / Complainant

2 ISWARIYA

... Defacto Complainant / Intervener
in CRL MP(MD) No.16760 of 2023

For Petitioners : M/s.M.Solaisamy, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For Intervener : M/s.G.Janani, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.20/2023 ON THE FILE OF
THE RESPONDENT POLICE.



CRL OP(MD) No.20879 of 2023

ORDER: The Court Made the following order :-

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The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 498(A) & 506(ii) IPC r/w Section 4 of the Dowry Prohibition Act in Crime No.20 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant got marriage with the first petitioner on 24.03.2019 at Srirangm Mahal, Trichy. It was an arranged marriage and was solemnized in the presence of the elders, relatives and friends of both families. At the time of marriage, the defacto complainant's parents presented 60 sovereigns of gold jewels as sridhana. After marriage, the petitioner harassed the defacto complainant by demanding additional dowry of 40 sovereigns of gold jewels and also driven her out from the matrimonial home. Hence, the defacto complainant preferred the present complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. In fact, the petitioners gave 40 sovereigns of gold jewel to the defacto complainant at the time of marriage and she is in the possession of the jewels. However, the present false case came to be foisted by the defacto complainant. Therefore, he prayed to grant anticipatory bail to the petitioners.



CRL OP(MD) No.20879 of 2023

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4.The learned counsel appearing for the intervenor would submit that the petitioners continuously harassed the defacto complainant by demanding additional dowry. Hence, she vehemently opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that investigation in this case is not yet completed.

6.Considering the facts and circumstances of the case and also considering the gravity of the offences levelled as against the first petitioner, who is the husband of the defacto complainant, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this criminal original petition is dismissed as far as the first petitioner is concerned.

7.Considering the fact that the allegations levelled as against the first petitioner alone and there is no specific allegation as against the second petitioner, this court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions.

8.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Trichy, on condition that the second 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



CRL OP(MD) No.20879 of 2023

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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 second petitioner 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;

(d)the second petitioner shall report before the respondent police as and when required;

(e)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the second petitioner shall not abscond either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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;



CRL OP(MD) No.20879 of 2023

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(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9.In the result, this criminal original petition is partly-allowed.

sd/-
09/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judge,
Additional Mahila Court, Trichy.

2.The Inspector of Police,
All Women Police Station,
Thiruverambur,
Thirucharapalli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-377[I] dated 09/01/2024)

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-576[I] dated 11/01/2024)



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CRL OP(MD) No.20879 of 2023

ORDER

IN

CRL OP(MD) No.20879 of 2023

Date :09/01/2024

ED/ DD /SAR- (19/01/2024) 6P / 6C

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