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Crl.O.P.No.31620 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.31620 of 2024

1. T.Dhinesh
2. M.Thambu
3. T.Andal

... Petitioners

Vs.

State represented by;
The Inspector of Police,
Periyanaayakempalayam All Women
Police Station,
Coimbatore.

Crime No.28 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners / Accused-A1 to A3 on Anticipatory bail in the event of their arrest in the above Crime No.28 of 2024 on the file of the respondent/Complainant.

For Petitioners	:	M/s S.Thankira
For Respondent	:	Mr.S.Santhosh
		Government Advocate (Crl.side)
For Intervenor	:	Mr.R.Krishnan



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ORDER

Apprehending arrest in connection with Crime No.28 of 2024 registered for the offences punishable under Sections 498(A) and 354 of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per the defacto complainant Priyanga is that she got married to the first accused and it is alleged that the petitioners demanded dowry and insisted her to abort the child and thereby harassed her. Hence, the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. She would further submit that due to matrimonial dispute, the defacto complainant had given an exaggerated complaint and the matter has been compromised between the parties.

4. The case of the prosecution as putforth by the learned



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Government Advocate (Crl.side) appearing for the respondent Police is that the defacto complainant got married to the first accused and thereafter, the petitioners demanded dowry and insisted her to abort the child, thereby harassed her. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor would submit that the defacto complainant had given a complaint against the accused. While so, due to the intervention of elders, the matter has been compromised between the parties.

6. Having heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of their 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 Additional Mahila Court, (Magistrate level),



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Coimbatore, on condition that the petitioners shall execute a separate bond each 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent Police as and when required for investigation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] 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];

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



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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Inspector of Police,
Periyanayakempalayam All Women
Police Station,
Coimbatore.

2. The Public Prosecutor,
High Court of Madras.

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