



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

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20292 of 2018

BOGARAJ

... PETITIONER /2nd ACCUSED

Vs

THE STATE, REPRESENTED BY ITS,
THE INSPECTOR OF POLICE
VIRUDHUNAGAR ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
(IN CRIME NO. 4 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

For Intervener : M/s.D.FARJANA GHOSHIA

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 406 of IPC., and Section 4 of Dowry Prohibition Act, 1961 and Section 4 of TNPWH Act, 2002, in Crime No.4 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the accused in this case had harassed and tortured the defacto complainant by demanding dowry.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2, who is father-in-law of the defacto complainant. The defacto complainant and the petitioner's son were married on 16.09.2015. Ten days thereafter the marriage, they had set up a separate matrimonial house at Bangalore and they were residing there. Out of the marriage, a female baby was born in the year 2017. There seems to be some misunderstanding between the husband and wife and she had left at



Bangalore and reached her parents' house. Thereafter, this case came to be registered, based on the complaint of the defacto complainant.

4. It is his further contention, that even according to the defacto complainant, on 28.03.2017, she had left the matrimonial house and preferred the complaint before the Parappana Agrahara Police Station at Bangalore and the petitioner's son and the defacto complainant was summoned and thereafter, they had separated. Even the birth of child on 10.05.2017 was not informed to the petitioner and his family members. In the meanwhile, the petitioner's son had filed a divorce petition in H.M.O.P.No.39 of 2018, which is pending before the Sub-Court, Periyakulam. Leaving all these facts, the defacto complainant had implicated the entire family of the petitioner, by preferring the above complaint which facts are contrary to the truth.

5. The learned counsel appearing for the 2nd respondent / defacto complainant would submit that the defacto complainant was harassed by the petitioner's family members and also demanded additional dowry. Further, the entire jewels and 'sridhana' articles are retained by the petitioner's family. The defacto complainant's father had passed away and she is now with the widowed mother and she needs jewels and other 'sridhana' articles.

6. At this juncture, the learned counsel appearing for the petitioner would submit that the jewels are with the defacto complainant and the petitioner had never received or retained any jewels of the defacto complainant. The household articles are with them, which they are willing to handover to the defacto complainant.

7. I have heard the learned counsel appearing for the petitioner and also perused the materials available on record.

8. Considering the facts and circumstances of the case same and also considering the fact that the petitioner, who is the father-in-law of the defacto complainant, being a senior citizen and the petitioner was residing in Bangalore and had set up a separate matrimonial house, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Virudhunagar, 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 learned Magistrate concerned and on further condition that;

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



[b] the petitioner shall report before the respondent police, daily at 10.00 a.m., for a period of two weeks, and thereafter, on every Monday at 10.00 a.m., till the petitioner's son is secured / surrendered in this case, for interrogation

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE
VIRUDHUNAGAR ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

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

+1. CC to MR.M.S.JEYAKARTHIK Advocate SR.No.22851
+1cc to MR.G.MARIAPPAN, Advocate in SR.No. 22884

ORDER
IN
CRL OP(MD) No.20292 of 2018
Date :06/12/2018