



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen
PRESENT

The Hon'ble Mr. Justice B.PUGALENDHI

WEB COPY

CRL OP (MD) No.7197 of 2019

1 C.KUMARAVEL

2 K.THAVAMPETRAL

3 S.THANGAMARIAPPAN ... PETITIONERS/ ACCUSED NOS. 2 TO 4

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO. 108 OF 2019) ... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.M.JOTHI BASU Advocate

For Respondent : Mr.A.Robinson,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / accused Nos.2 to 4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(i) (ii), r/w 6 of POCSO Act and 4 of Dowry Prohibition Act and 305 IPC in Crime No.108 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.M.Johti Basu, learned counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl. Side) appearing for the State.

3.The case of the prosecution is that the defacto complainant was studying 12 standard at Chockanathanpudur Government Higher Secondary School and was residing with her paternal grandmother. The first accused had developed love affair with the victim girl and also impregnated her. On 28.04.2019, the victim girl's mother / defacto complainant herein found certain blood stains in the bathroom and after verification, it is found that the victim girl was pregnant and the first accused insisted the victim girl to take tablets for abortion. On seeing that condition, the defacto complainant and the victim girl went to the petitioners' house and narrated the incident and requested them to arrange a marriage for



the victim girl with the first accused. The petitioners have demanded 20 sovereign jewels and a sum of Rs.20,000/- as dowry for agreeing to the marriage. Upset over the same, the victim girl committed suicide on 07.05.2019 in her house. Hence, this complaint.

4. According to the learned counsel for the petitioners, the petitioners are the father, mother and junior father of the first accused and the first accused in this case has already been arrested. Even according to the complainant, the petitioners have demanded dowry and they have no other role in the commission of offence and according to the learned counsel for the petitioners, the victim girl has also died after 8 days, after the alleged demand of dowry on 29.04.2019. Hence, he prays to grant anticipatory bail to these petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police opposes the grant of anticipatory bail.

6. Considering the rival submissions made on either side and considering the fact that the victim girl has taken a sudden decision on her own volition that her marriage could not be solemnized, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

7. Accordingly, the petitioners 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 on which the order copy was made ready before the Mahila Court, Srivilliputhur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the respondent Police and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

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

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section



[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

WEB COPY

sd/-
15/05/2019

/ TRUE COPY /

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

TO

1 THE JUDGE,
MAHILA COURT, SRIVILLIPUTHUR.

2 THE SUB INSPECTOR OF POLICE
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.8410

ORDER
IN
CRL OP (MD) No.7197 of 2019
Date :15/05/2019

ES/17.05.2019/4P/5C