



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

( Criminal Jurisdiction )

Date : 10/06/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.7804 of 2019**

1. C.Kumaravel,  
2. K.Thavampetral,  
3. S.Thangamariappan ... Petitioners/Accused Nos. 2 to 4

Vs

State Rep.by  
The Inspector of Police,  
Seithur Police Station,  
Virudhunagar District.  
(Crime No.108/2019). ... Respondent/Complainant

For Petitioners : M/s.M.Jothibas,  
Advocate.  
For Respondent : Mr.V.Neelakandan,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Cr.No.108/2019 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 offences punishable under Sections 5 (i), (j), (ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012, Section 4 of Dowry Prohibition Act, 1961 and Section 305 IPC, in Crime No. 108 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as



alleged by the prosecution and they have been falsely implicated in this case. He further submitted that as per the prosecution case, the accused No.1 fell in love with victim, she is aged about 17 years and had sexual relationship and made her pregnant and subsequently when the defacto complainant approached the petitioner's parents, they have demanded dowry of 20 sovereigns of gold jewels and also a sum of Rs.20,000/- cash and only thereafter, the first accused will tie thali and subsequently she committed suicide by consuming poison. He further submitted that the petitioners are no way connected with the aforesaid offence and hence they have already filed CrI.O.P(MD)No.7197 of 2019 seeking anticipatory bail and this Court has also granted anticipatory bail to the petitioners on 15.05.2019. He further submitted that even though FIR was registered under Sections 5 (i)(j)(ii) r/w 6 of POCSO Act and 4 of Dowry Prohibition Act and 305 IPC, in the earlier application (CrI.O.P(MD)No.7197 of 2019), the petitioner has omitted to mention sub Section (j) and hence it is necessary for the petitioners to move the present petition seeking anticipatory bail. He further submitted that already A1 was arrested and remanded to judicial custody and he is still in jail and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner No.1 & 2 are parents and petitioner No.3 is paternal uncle of A1. He further submitted that the accused No.1 and the victim girl fell in love and the accused No.1 had sexual relationship with the victim girl and made her pregnant and when the defacto complainant made a request to the petitioners for marriage, the petitioners herein demanded dowry 20 sovereigns of gold jewels and a sum of Rs.20,000/- of cash hence the victim lost the hope and consumed poison and committed suicide. He further submitted that the investigation is still in progress and hence, he opposed this petition.

5.Taking into consideration of the rival submissions, this Court has already granted anticipatory bail to the petitioners in CrI.OP(MD)No.7197 of 2019 dated 15.05.2019. The present petition has been filed on the ground that, sub Section (j), has been omitted to mention in the earlier application and therefore this Court doesn't want to take any contra view, against the view already taken by this Court in CrI.O.P(MD)No.7197 of 2019. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 of receipt of a copy of this order, before the learned Mahila Court, Srivilliputhur, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate



concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-

10/06/2019

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

TO

1. THE JUDGE, MAHILA COURT, SRIVILLIPUTHUR.

2. THE 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.G.M.LAW OFFICE, Advocate ( SR-9361[I] dated  
11/06/2019 )

ORDER

IN

CRL OP(MD) No.7804 of 2019

Date :10/06/2019