



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 04/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). Nos.4072 & 4070 of 2019

Rathna Vasanthlal ... Petitioner/Accused Rank Not Known
(in CRL OP(MD). No.4072 of 2019)

1.Murugesan
2.Ambika
3.Rathina Poornima ... Petitioners/1 to 3 Accused
(in CRL OP(MD). No.4070 of 2019)

- Vs-

State Rep.by
The Inspector of Police,
All Women Police Station,
Thanjavur,
Cr.No.1 of 2019.

... Respondent/ Complainant
(in both petitions)

For Petitioners: M/s.D.Selvanayagam,
Advocate.
(in both petitions)

For Respondent : Mrs.M.Anandha Devi,
Govt.Advocate (Crl.Side).
(in both petitions)

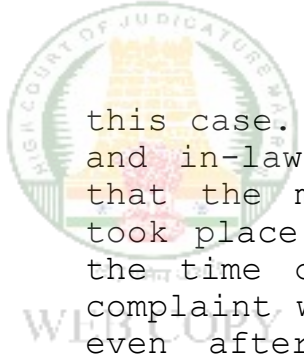
PETITION FOR ANTICIPATORY BAIL Under Sec.438 Cr.P.C

COMMON ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 498 A of IPC and r/w Section 4 of Women Harassment Act in Crime No. 1 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 the petitioners are the husband and in-laws of the the defacto complainant. He further submitted that the marriage between A1/husband and the defacto complainant took place on 05.09.2016 at Thanjavur and as per the FIR, even at the time of marriage, the petitioners demanded more dowry. The complaint was lodged only on 23.03.2019. He further submitted that even after the alleged occurrence, A1/husband and the defacto complainant led their happy married life and the defacto complainant had begotten a female child. He further submitted that the A1/husband is working at Hyderabad, whereas, the defacto complainant is working at Bangalore and due to the issue between the in-laws, A1/husband and his wife were not able to lead their peaceful life and the same is culminated into a criminal complaint. He further submitted that even now, the petitioners are willing to take back the defacto complainant and child and therefore after granting anticipatory bail, the parties may be directed to appear before the mediation centre so that the matter can be amicably settled and hence, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the dowry was demanded not only at the time of marriage, but also subsequently and continuously they have demanded dowry and hence, A1/husband and the defacto complainant could not lead their peaceful life. He further submitted that A1/husband and his family members were eagerly expecting that the defacto complainant would deliver a male child, but contrary to their expectations, she delivered a female child and hence the quarrel became worse and caused to cruelty to the defacto complainant by demanding dowry. She further submitted that the investigation is in progress and hence, she strongly opposed this petition.

5.Taking into consideration of the submission made by the learned counsel for the petitioners that the petitioners are even now ready to take back the defacto complainant and child and the matter may be referred to mediation for amicable settlement, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions till the completion of Mediation.

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 Judicial Magistrate No.I, Thanjavur 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 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) the parties are directed to appear before the Mediation Centre attached to this Bench on 21.06.2019 without fail.

<https://hservices.ecourts.gov.in/hservices/>



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

(iii) the petitioner 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.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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].

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

sd/-

04/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THANJAVUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.D.SELVANAYAGAM Advocate SR.No.9151

ORDER IN

CRL OP(MD). Nos.4072 & 4070 of 2019

Date :04/06/2019