



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

Thursday, the Eleventh day of July Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8857 of 2019

1 ESWARI  
2 PANDIAN  
3 NAGAJOTHI  
4 MALATHI

... PETITIONERS / ACCUSED NO.2 TO 5

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
SRIVILLIPUTHUR,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO.6 OF 2019

... RESPONDENT / COMPLAINANT

PANDISELVI

... PETITIONER/ INTERVENER/  
DE-FACTO COMPLAINANT

For Petitioner : M/S.S.SUNDARAPANDIAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

For Intervener : MR.S.MANICKAM, Advocate

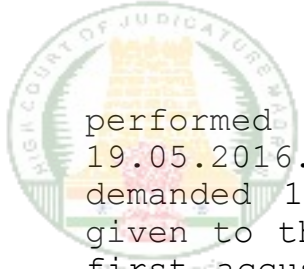
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 498(A), 406, 420 and 506(i) of IPC seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioners herein approached the defacto complainant stating that the first accused got M.Sc., M.Phil, Ph.d., degree and working at AIMS Hospital, Jaipur, Rajasthan as Senior Bio Chemist and also getting salary of Rs.70,000/- per month and believing their words marriage was



performed between the first accused and the defacto complainant on 19.05.2016. At the time of marriage itself the petitioners have demanded 100 sovereigns of jewels and hence 100 sovereigns was given to the defacto complainant and 20 sovereigns of jewels to the first accused and also household articles. Subsequently they have demanded to pay a sum of Rs.8,00,000/- as dowry and also caused cruelty. Subsequently the said amount was paid by the petitioners on 20.10.2016. It is also informed by the petitioners that A1 got selection as Deputy Collector and for that some amount has to be paid and accordingly they have demanded Rs.5,00,000/- as dowry from the parents of the defacto complainant and only thereafter the defacto complainant came to know that the first accused is not working at AIMS Hospital, Jodhpur and only by giving false information, the petitioners have made arrangement for marriage with the first accused to the defacto complainant and hence she has filed the present complaint.

4. The learned counsel appearing for the petitioners would submit that the first and second petitioners are the parents and the third and fourth petitioners are the sisters of A1. He further submitted that the petitioners are illiterates and they do not know where the first accused was working and only on believing his words invitation was printed mentioning that the first accused was working at AIMS Hospital, Jodhpur, Rajasthan. He further submitted that the petitioners did not demand dowry and they have not committed any offence. Hence he prayed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor /defacto complainant would submit that the petitioners gave a false information to the defacto complainant stating that the first accused was working at AIMS Hospital, Jodhpur, Rajasthan and getting monthly salary of Rs.70,000/- and only believing their words the defacto complainant was given marriage to the first accused. He further submitted that subsequently the petitioner came to know that the first accused was not working in the said hospital. He further submitted that the petitioners have informed the defacto complainant that the first accused got selected for the post of Deputy Collector in the Tamil Nadu Government and for that they demanded a sum of Rs.5,00,000/- and accordingly the defacto complainant has also given the said sum to the petitioners herein. He would further submit that at the time of marriage the petitioners have demanded 100 sovereigns of jewels and also household articles which were also given to the petitioners. He further submitted that all the accused criminally conspired together with a view to cheat the defacto complainant and extracted money from the parents of the defacto complainant. Hence he strongly opposed to grant anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl. Side) adopted the arguments advanced by the learned counsel for the intervenor/defacto complainant. She further submitted that the marriage invitation also shows that the first accused was working as a



Senior Bio Chemist at AIMS Hospital, Jodhpur, Rajasthan and in the said invitation the names of the petitioners also printed and that itself would show that they gave false information to the defacto complainant. Hence she strongly opposed to grant anticipatory bail to the petitioners.

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7. In the marriage invitation, it is stated that the first accused was working as a Senior Bio Chemist at AIMS Hospital, Jodhpur, Rajasthan and in the said invitation, the names of the petitioners had also been mentioned. So without the knowledge of the first and second petitioners (parents of A1) invitation could not have been printed. It appears that the third and fourth petitioners are the sisters of the first accused and are residing at Kerala and they may not have personal knowledge about printing their names in the said invitation. Therefore this Court is inclined to grant anticipatory bail to the third and fourth petitioners. Insofar as the first and second petitioners are concerned since they are the parents and without their knowledge invitation could not have been printed, this Court is not inclined to grant anticipatory bail to the first and second petitioners.

8. Accordingly, the petitioners 3 and 4 are ordered to be released on bail in the event of arrest or 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.II, Srivilliputhur, Virudhunagar District on condition that the petitioners 3 and 4 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:

[a] if the petitioners 3 and 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners 3 and 4 shall report before the respondent Police as and when required for the interrogation.

[c] the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 3 and 4 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 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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 229A IPC.

9. As regards the first and second petitioner, this petition is dismissed.

sd/-  
11/07/2019

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,  
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

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

+1. CC to M/S. S. SUNDARAPANDIAN Advocate SR.No. 11764

ORDER  
IN  
CRL OP(MD) No.8857 of 2019  
Date :11/07/2019

JM/VR/SAR 4/23.07.2019/4P/6C