

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9487 of 2019

1.Anand
2.Murugesan
3.Vishalatchi ... Petitioners/Accused Nos.1 to 3

Vs

State rep by
The Sub Inspector of Police,
All Women Police Station,
Karur
Crime No.5 of 2019 ... Respondent/Complainant

Kaviya ...Petitioner/Defacto Complainant

For Petitioners : M/s.S.Deenadhayalan, Advocate.
For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)
For Intervenor : Mr.A.Arun Prasad Advocate

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

PRAYER :-

For Anticipatory bail in Cr.No. 5 of 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 498 (A), 323 and 506 (i) of IPC, in Crime No.5 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, on 31.08.2018, the defacto complainant married the first petitioner. From the date of marriage, the petitioners gave continuous torture to the defacto complainant and demanded additional dowry. He further submitted that at the time of marriage, the defacto complainant was working at Coimbatore and

now she is working at Karur. Further, the first petitioner working at Manamelkudi, Pudukkottai District. They were only stayed together weekly one or two days. Due to some misunderstanding between the first petitioner and the defacto complainant, a false case has been foisted against the petitioners, and hence, he prayed anticipatory bail to the petitioners.

4.The learned counsel for the Intervenor/defacto complainant appearing for the defacto complainant has submitted that the defacto complainant got married the first petitioner on 31.08.2018. At the time of marriage, the defacto complainant's father gave 35 sovereigns of gold jewels and other house hold articles as dowry to the first respondent's family. At the time of marriage, the petitioners did not demand any dowry from the defacto complainant. But, after the marriage, they demanded additional dowry from the defacto complainant and continuously harassed her. He further submitted that the first petitioner and his family members beaten the defacto complainant cruelly in many occasions. The first petitioner attacked the defacto complainant and caused grievous injuries all over her body and broken her tooth. Due to which, the defacto complainant was admitted in the hospital. The learned counsel for the Intervenor/defacto complainant has also produced the medical certificate of the defacto complainant for taking treatment of broken tooth. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal side) appearing for the respondent has adopted the arguments advanced by the learned counsel for the Intervenor and she also opposed this petition. However, she fairly conceded that the main allegation is only against A1.

6.The allegation against the first petitioner/A1 is that he has retained 30 sovereigns of gold jewels of the defacto complainant and he also assaulted the defacto complainant, due to which, one tooth broken and hence, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. Insofar as the petitioner 2 & 3 concerned, they are only in-laws. Hence, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3 with certain conditions.

7.Accordingly, the petitioners 2 & 3 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 Court, No.I, Karur, on condition that the petitioners 2 & 3 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:

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

(i) If the petitioners 2 & 3 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 & 3 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 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 & 3 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.

7.Insofar as the first petitioner/A1 is concerned, this petition is dismissed.

sd/-

30/07/2019

/ TRUE COPY /

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

TO

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

- +1. CC to Mr.S.DEENADHAYALAN Advocate SR.No.12573
+1. CC to Mr.A.ARUN PRASAD Advocate SR.No.12570

ORDER

IN

CRL OP(MD) No.9487 of 2019

Date :30/07/2019

TK/VR/SAR.2/07.08.2019/3P/7C