



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

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9599 of 2019

1 Singaraj
2 Vishalakshi

... Petitioners/Accused Nos.1 & 2

Vs

State rep. By
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tirunelveli District
(Cr.No.03/2019)

... Respondent/Complainant

For Petitioners : M/S.B.Jeyakumar, Advocate

For Respondent : M/s.M.Ananthadevi
Govt. Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.03 of 2018 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 Section 294 (b), 323, 406 and 498(A) of IPC in Crime No.03 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the first petitioner got married to the defacto complainant on 11.09.2002 and they have no issue. Due to this reason, the first petitioner demanded additional dowry from the defacto complainant and harassed her. Further, he married the second petitioner illegally. Hence, this complaint.

4.The learned counsel appearing for the petitioners has submitted that the first petitioner filed an affidavit stating that the petitioner did not marry the second petitioner and only with the



consent of his wife (defacto complainant), a female child of the second petitioner was adopted in the year 2014, as per the customary practice and subsequently, the defacto complainant did not like the said child and insisted him to hand over the said child to the second petitioner. But the first petitioner did not agree to hand over the said child and hence, the defacto complainant filed a false complaint stating that he married the second petitioner and through her, the said child was born. He further submitted that now, he is ready to hand over the said child to the second petitioner and also ready to take his wife (defacto complainant). He further submitted that the second petitioner also filed an affidavit stating that she did not marry the first petitioner and on the contrary, she is the wife of one Kannan and only at the request of the first petitioner and his wife, she came forward to give her daughter for adoption. But, subsequently, the defacto complainant created a problem, and hence, she is willing to take back her daughter, and hence, he prayed to anticipatory bail to the petitioners.

5.The learned counsel for the Intervenor appearing for the defacto complainant has submitted that the first petitioner got married to the defacto complainant on 11.09.2002 and they have no issues. Due to this reason, the first petitioner demanded additional dowry from the defacto complainant and harassed her. Further, he married the second petitioner illegally. However, he fairly conceded that now the defacto complainant is willing to go with the petitioner No.1.

6.The learned Government Advocate (Criminal side) has adopted the arguments advanced by the learned counsel for the Intervenor and she also opposed this petition.

7.Taking into consideration the aforesaid affidavits and also the submission made by the learned counsel for the Intervenor that now the defacto complainant is prepared to go to the matrimonial home and live with her husband (petitioner No.1), this Court is inclined to grant anticipatory bail to the petitioners.

8. 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, Sankarankovil, Tirunelveli District, on condition that the petitioners 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/-
12/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL, TIRUNELVELI DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SANKARANKOVIL, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JEYAKUMAR Advocate SR.No.11709

ORDER
IN
CRL OP(MD) No.9599 of 2019
Date :12/07/2019

dss
JMN/JC/SAR-2/24.07.2019/3P-6C