



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10820 of 2019

WEB COPY

- 1.Vettayan,
2. V. Pasuvathi,
3. Nithiya,

... Petitioners/Accused Nos.2 to 4

Vs

State rep by
The Inspector of Police,,
All Women Police Station,
Thirumangalam,
Madurai District.
Crime No. 10 of 2019.

... Respondent/Complainant

For Petitioners: M/s.M.Jothi Basu,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 10 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), 406 and 506 (i) IPC, in Crime No. 10 of 2018, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, on 29.08.2018, the marriage was solemnized between A1 and the defacto complainant. At the time of

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



marriage, 30 sovereigns of gold jewels was given by the defacto complainant's parents as dowry. After the marriage, the defacto complainant came to know that A1 is impotent. Further, A1 and the petitioners herein demanded 10 sovereigns of gold jewels and Rs.5,00,000/- cash as additional dowry from the defacto complainant and harassed her. He further submitted that earlier on 04.11.2018, the defacto complainant has lodged a complaint before the respondent police against the accused. Hence, the petitioner filed an anticipatory bail application in CrI.OP(MD)No.471 of 2019. He further submitted that when the said Cr.OP(MD)No.471 of 2019 came up for hearing, the respondent police has informed the Court that the said complaint has been closed after enquiry and recording the same, this Court has closed the CrI.OP(MD)No.471 of 2019. Subsequently, on 25.02.2019, the defacto complainant has lodged another complaint before the Superintendent of Police, Madurai District, and the same was forwarded to the respondent police for investigation and based on the same, on 27.06.2019, the respondent police has registered a case in Crime No.10 of 2019 and arrested the accused No.1. He further submitted that the main allegations are made against A1 only and he was already arrested and remanded to judicial custody. The petitioners are only in-laws, and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) appearing for the respondent has submitted that defacto complainant already lodged a complaint before the respondent police on 04.11.2018 and an enquiry was conducted and closed and recording the same, the Criminal Original Petition filed by the petitioners in CrIOP(MD)No.471 of 2019 seeking anticipatory bail was closed by this Court on 10.01.2019. Thereafter, the defacto complainant filed another complaint before the Superintendent of Police, Madurai District, and the same was forwarded to the respondent police. Based on the same, the present FIR has been registered. She further submitted that the petitioners demanded 10 sovereign of gold jewels and Rs.5,00,000/- cash as additional dowry from the defacto complainant and criminally intimidated her and A1 was already arrested and remanded to judicial custody. Hence, she opposed this petition.

5.The main allegations are made against A1 only. Insofar as other petitioners concerned, they are only in-laws. The allegations made against them is that they instigated A1 to demand dowry. Further, already one complaint was lodged by the defacto complainant before the respondent police and at that time, the petitioners herein moved anticipatory bail in CrI.OP(MD)No.471 of 2019 before this Court. When the said petition came up for hearing, the learned Government Advocate (Criminal side) has submitted that the complaint was closed and recording the same, the said anticipatory bail petition was closed on 10.01.2019. Thereafter, the defacto complainant has lodged another complaint before the Superintendent police, Madurai District, and the same was forwarded to the



respondent police and based on the same, the present FIR has been registered.

6. Taking into consideration all the aforesaid facts, 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 Judicial Magistrate, Thirumangalam, 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.

(ii) 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/-
31/07/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM, MADURAI DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT

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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.12660

ORDER

IN

CRL OP(MD) No.10820 of 2019

Date :31/07/2019

KM/VR/SAR-II (09.08.2019) 4P 6C