

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 9375 of 2020

1) T. Satheesh Kumar (Age: 30),
S/o. Thillaivalavan,
D.No. 91, Tiruppur Road,
Dharapuram, Tiruppur District

2) T. Thillaivalavan (Age: 56),
S/o: Late. Thangaraj,
D.No: 555/4, Kuberan Nagar,
Alangiam Road, Dharapuram,
Tiruppur District

... Petitioners/Accused

-Vs-

State Represented By,
The Inspector of Police,
All Women Police Station,
Dharapuram,
Tiruppur District.
(Crime No: 6 of 2020)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying enlarge the Petitioners on bail in the event of their arrest in
connection with **Crime No: 6 of 2020** on the file of the Inspector of

Police, All Women Police Station, Dharapuram, Tiruppur District.

For Petitioner : Mr.M.Guruprasad

For Respondent/s : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections **498(A) & 494 of IPC**, registered in **Crime No:6 of 2020** on the file of the respondent seek anticipatory bail.

2. The case of the prosecution is that the accused got married with the defacto complainant on 06.11.2016. Thereafter, the first petitioner and the family members of the first petitioner demanded huge dowry from the defacto complainant. The defacto complainant and her family members denied the same, hence she was driven out from the matromonial home. Thereafter, the 1st petitioner married another lady. Hence the complaint.

3. The learned counsel for the petitioners would submit that on 06.11.2016, the first petitioner got married with defacto complainant. After having misunderstanding with the defacto complainant, she was left to her Parental Home often and the first petitioner convince the defacto complainant to live with him permanently but the defacto complainant insulted the petitioners. Resultantly, HMOP No.85 of 2019 has been filed before the Sub-Court, Dharapuram. Pursuant to the same, defacto complainant also filed a petition for Restitution of Conjugal Rights in HMOP No.1601 of 2019 before the Family Court, Coimbatore. Thereafter, the present complaint has been lodged before the Inspector of Police, All Women Police Station, Dharapuram, Tiruppur District.

4. The learned Additional Public Prosecutor would submit that there are two accused in this case, the first accused (husband of the defacto complainant) and the other (father of the first accused). They harassed the defacto complainant and also demanded dowry. Due to harassment, the defacto complainant was driven out of the Matrimonial Home. Thereafter, the first accused also got married another lady.

Hence the defacto complainant lodged the complaint.

5. From the above facts and circumstances of the case, it is seen that the petitioners are arrayed as A1 and A2. Admittedly, the marriage took place between the first petitioner and the defacto complainant on 06.11.2016. The first petitioner got married with another person and there was no issue between the defacto complainant and first petitioner and with regard to family dispute, HMOP No.85 of 2019 has been filed before Sub-Court, Dharapuram by the first petitioner and HMOP No.1601 of 2019 has been filed by the defacto complainant before the Family Court, Coimbatore.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to them.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate, Dharapuram, Tiruppur District on condition that each of the petitioner shall execute separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

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

[d] the petitioners 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 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].

G.K.ILANTHIRAIYAN, J

rkp

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

26.06.2019

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
rkp

To

1. The Inspector of Police,
All Women Police Station,
Dharapuram,
Tiruppur District.
2. The Judicial Magistrate,
Dharapuram, Tiruppur District
3. The Additional Public Prosecutor,
Madras High Court,
Chennai.

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