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CRL OP (MD) . Nos.2647 and 2652 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) . Nos.2647 and 2652 of 2020

1. Ravichandran,
2. Vethanayagi,
3. Jeyashree,

... Petitioners/Accused Nos.2 to 4
in Cr1.O.P(MD) No. 2647 of 2020

Gopalakrishnan,

... Petitioner/Accused No.1
in Cr1.O.P(MD) No. 2652 of 2020

Vs

The State of Tamil Nadu
Rep. By its Sub Inspector of Police,
Samayanallur All Women Police Station,
Madurai District.

(Unknown Crime No.of 2020).
in both petitions

... Respondent/Complainant

(In both petitions)

For Petitioners : M/s.S.Vinodh,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Cr1.Side)

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

PRAYER :-

for Anticipatory Bail in Crime No.Unknown of 2020 on the file
of the respondent police

COMMON ORDER : The Court made the following order :-

These petitions for anticipatory bail was filed by the husband
and in-laws of the defacto complainant for the alleged offences
under Sections 294(b), 498(A) r/w. Section 4 of TNPHW Act

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



2. According to the complainant marriage between the defacto complainant and the petitioner in Crl.O.P(MD) No.2652 of 2020 took place on 01.07.2019 and a girl child was born to them through their wedlock. At the time of marriage the defacto complainant family members has given household articles worth Rs.5,00,000/-, Royal Enfield Bullet worth Rs.1,80,000/- besides gold ornaments to the tune of Rs.35 sovereign was also given. But after the birth of child the family members has sent the defacto complainant to her parental house demanding 15 sovereign jewels, since she has given birth a female child.

3. The petitioners states that the defacto complainant herself voluntarily left the matrimonial home and on receiving notice in HMOP No.282 of 2019 on the file of the III Additional Sub Court, Madurai for divorce. She has given this complaint which is motivated and without any basis.

4. The averment made in the complaint has raised *prima facie* impression of dowry demand and desertion. However, since complaint is not only against the husband and also against the parents of her husband and sister of the defacto complainant husband.

5. This Court finds that anticipatory bail for the third petitioner in Crl.O.P(MD) No.2647 of 2020 shall be granted.

6. Accordingly, the third petitioner on Crl.O.P(MD) No. 2647 of 2020 is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 said Magistrate, on further condition that:

[a] The third petitioner on Crl.O.P(MD) No. 2647 of 2020 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 third petitioner on Crl.O.P(MD) No. 2647 of 2020 shall report before the respondent police as and when required for interrogation.

[c] the third petitioner on Crl.O.P(MD) No. 2647 of 2020 shall not tamper with evidence or witness either during investigation or trial.



[d] the third petitioner on Crl.O.P(MD) No. 2647 of 2020 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 third petitioner on Crl.O.P(MD) No. 2647 of 2020 in accordance with law as if the conditions have been imposed and the third petitioner on Crl.O.P(MD) No. 2647 of 2020 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

7. As regards the first and second petitioners in Crl.O.P(MD) No. 2647 of 2020 and petitioner in Crl.O.P(MD) No.2652 of 2020 stands dismissed.

sd/-
13/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
SAMAYANALLUR ALL WOMEN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.VINOTH, Advocate (SR-5224[I] dated 13/03/2020)

ORDER

IN

CRL OP (MD) . Nos.2647 and 2652 of 2020

Date :13/03/2020

AAV

MS/PN/SAR-I (17.03.2020) 3P 6C