



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

Date : 05/03/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4143 of 2020

1. Ayyamani
2. Varatharajan
3. Ganga
4. Rajkumar
5. Saranya
6. Karthick

... Petitioners/Accused Nos.1 to 6

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
(Crime No.5 of 2020)

... Respondent/Complainant

For Petitioners : Mr.M.Suresh,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory Bail in Crime No.5 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Additional Public Prosecutor appearing for the respondent.

2.Based on the complaint given by one Deepa wife of the first
petitioner, on 07.11.2019, a case has been registered in Crime
No.498(A), 323 and 506(1) of IPC.

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



3.The allegation as found in the First Information Report is that the de-facto complainant married the first petitioner on 17.03.2019. After the marriage, the in-laws of the de-facto complainant started demanding dowry and the first petitioner was physically causing injury to the de-facto complainant for not given the adequate dowry. Due to the torture, the de-facto complainant attempted to commit suicide by consuming Goodnight liquid. But, she survives after treatment. Once, the first petitioner with an intention to kill her, took her in the two-wheeler and pushed her down, causing fracture injury on her left shoulder. The specific allegation against the petitioners is that they all joined together and had demanded dowry. The petitioners 2 to 6 instigating the first petitioner to divorce the de-facto complainant on the date of complaint i.e., 03.11.2019. When the de-facto complainant with an intention joined her husband to the matrimonial home, she was pushed down and driven out of the home by the residents. Suspecting the fidelity of the first petitioner, the de-facto complainant has approached the respondent for suitable action. The said complaint, dated 07.11.2019, was registered as CSR No.403 of 2019 on 08.11.2019 and thereafter enquiry, the police has registered the complaint in F.I.R. No.5 of 2020.

4.The narration of facts by the de-facto complainant in her complaint, the statements provides prima facie material of the alleged dowry demand and harassment by the first petitioner and his parents, hence, anticipatory bail filed for the petitioners 1 to 3 is dismissed. For the rest of the petitioners 4 to 6 who are in-laws of the de-facto complainant, this Court is inclined to grant anticipatory to the petitioners 4 to 6 herein.

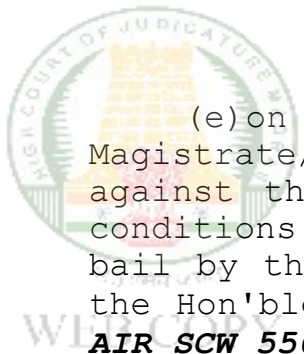
5.Accordingly, the petitioners 4 to 6 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Madurai, on condition that the petitioners 4 to 6 shall execute 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:

(a)the petitioners 4 to 6 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 4 to 6 shall report before the respondent police daily at 10.30 a.m until further orders;

(c)the petitioners 4 to 6 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 4 to 6 shall not abscond either during trial;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 4 to 6 in accordance with law as if the conditions have been imposed and the petitioners 4 to 6 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/03/2020

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

TO

1. THE ADDITIONAL MAHILA JUDGE,
MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL,
MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.SURESH, Advocate (SR-4863[I] dated 05/03/2020)

ORDER
IN
CRL OP(MD) No.4143 of 2020
Date :05/03/2020

SJI
TE/JC/SAR-II : 10/03/2020 : 3P/5C