



WEB COPY

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

Date : 16/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.4983 of 2020

1. Mallika
2. Rajesh
3. Vasantha

... Petitioners/Accused No.2, 3 & 5

Vs

1. The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
Crime No.2 of 2020.

2. Swathi ... Respondents/Complainants
(R2 Suo-Motu impleaded vide
Court order dated 24.07.2020
made in CRL OP(MD). No.4983 of 2020)

For Petitioners : Mr.B.Jameel Arasu,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

For Intervener : Mr.K.M.Subramaniam, Advocate

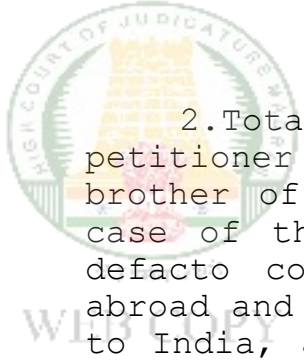
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.2 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2, 3 and 5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 498(A), 323 and 506(i) of IPC and Section 4 of TNPHW Act, 2002 and 4 of Dowry Prohibition Act, 1961, in Crime No.2 of 2020 on the file of the respondent police, seek anticipatory bail.



2. Totally there are five accused in this case. The first petitioner is the mother of A1 and the second petitioner is the brother of A1 and the third petitioner is the mother of A4. The case of the prosecution is that the marriage between A1 and the defacto complainant was solemnized on 28.08.2013, and both went abroad and living together for some time. Thereafter, they came back to India, and A1 said to have illegal intimacy with one Ramya, who is arrayed as A4 in this case, and A1 has filed a divorce petition in H.M.O.P.No.93 of 2018 and the defacto complainant has also filed a petition for restitution of conjugal rights. After a compromise, both the petitions were withdrawn by A1 and the defacto complainant, however, A1 continued illegal intimacy with A4 and the petitioners said to have demanded dowry from the defacto complainant and also harassed her. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioners are in-laws of the defacto complainant and the main allegation is only against A1 and A4. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, they seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that A1 said to have illegal intimacy with A4 and the petitioners and A1 demanded dowry from the defacto complainant and also harassed her.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the main grievance of the defacto complainant is that A1 is having illegal intimacy with A4, and the allegation against these petitioners is that they are supporting A1, and the third petitioner is the mother of A4 and also encouraged it, that apart, there is no serious allegation against the petitioners and the main allegation only against A1. Considering the above circumstances, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Kumbakonam, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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]; and;

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

sd/-

16/09/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I,
KUMBAKONAM, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE DISTRICT SOCIAL WELFARE OFFICER, THANJAVUR.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.4983 of 2020

Date :16/09/2020