



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7357 of 2020

and

CRL MP(MD)No.4169 of 2020

1. R.Parthiban
2. G.Rajendran
3. R.Rajalakshmi
4. S.Pugalendhi
5. P.Anusarathi

... Petitioners/Accused Nos.1 to 5

Vs

State, represented by
The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
Crime No.14/2020.

... Respondent/Complainant

For Petitioners: Mr.P.Kalaiyarasi Bharathi,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime no.14 of 2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 498(A) and 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.14 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 husband of the defacto complainant and the other petitioners are in-laws of the defacto complainant. The case of the prosecution is that the marriage between the defacto complainant and



the first petitioner took place on 04.09.2016, at that time, the parents of the defacto complainant has given a sufficient dowry. Out of their wedlock, a male child was born. Thereafter, the petitioners said to have demanded dowry from the defacto complainant and driven her out from the matrimonial home. After a compromise, the petitioners said to have stated that, they will take back the defacto complainant after few days. Again, the petitioners said to have attacked the defacto complainant with hands and criminally intimidated her. Hence, the present complainant.

3.Earlier when the matter came up for hearing, a notice was ordered to the defacto complainant. Even after service of notice, there is no representation on behalf of the defacto complainant.

4.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

5.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that earlier, the defacto complainant said to have attacked the second and third petitioners by using her chappals and hence, they have given a complaint against the defacto complainant to the Vaiyampatti Police Station and the same is pending at the CSR stage. Hence, they seek anticipatory bail.

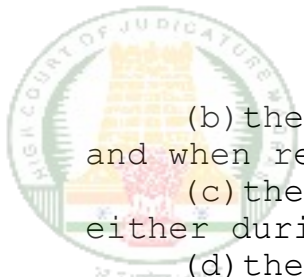
6.The learned Government Advocate (Crl. Side), appearing for the respondent police opposing this bail application by submitting that the petitioners demanded dowry from the defacto complainant and also harassed her.

7.Considering the facts and circumstances of the case and also considering the fact that there was no dowry demand and there is no serious allegation of harassment against the petitioners, hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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, Manapparai, 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

<https://hdservices.courts.gov.in/hdservices/> 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.

Consequently, the connected criminal miscellaneous petition is closed.

sd/-

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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, MANAPPARAI.

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

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MANAPPARAI, TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.7357 of 2020

Date : 21/09/2020

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