



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

Date : 24/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7560 of 2020

1. S.JAGADEESHKUMAR
2. S.VALLI
3. RAJESHKUMAR

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs

1. THE STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI CITY.

... RESPONDENT/COMPLAINANT

2. SHARMILA
(R2 SUO MOTU IMPLEADED AS PER
ORDER OF THIS COURT DATED 07/08/2020
IN CRL OP(MD) No.7560 of 2020)

... RESPONDENT/DEFACTO
COMPLAINANT

K.SHARMILA
D/O.K.KATHIRESAN

... DEFACTO COMPLAINANT/INTERVENER
IN CRL MP(MD) No.4029 of 2020
IN CRL OP(MD). No.7560 of 2020

For Petitioners: Mr.C.Senthil Murugan,
Advocate.

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

For Intervener : Mr.R.Ramasamy
Advocate

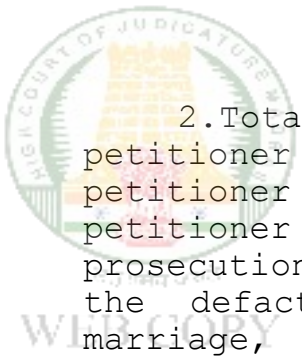
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.12 of 2020 on the
file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 498(A), 406 and 506(i) of IPC, in Crime
No.12 of 2020 on the file of the respondent police, seek

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



2. Totally there are three accused in this case. The first petitioner is the husband of the defacto complainant and the second petitioner is the mother of the first petitioner and the third petitioner is the brother of the first petitioner. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place on 17.02.2019. After the marriage, the petitioners said to have demanded dowry from the defacto complainant and also harassed her. Thereafter, the petitioners have also been taking steps for second marriage to the first petitioner with another lady. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioners and the intervener/defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. On earlier occasion, when the matter came up for hearing, the learned counsel appearing for the petitioners submitted that the petitioners are willing to give house hold articles to the defacto complainant.

5. Today when the matter came up for hearing, the learned counsel appearing for the defacto complainant submitted that the defacto complainant has received house hold articles from the petitioners. He further submitted that the defacto complainant has also handed over 3.5 sovereigns of gold to the petitioners.

6. Considering the above facts and circumstances of the case and the fact that it is matrimonial dispute and the matter has been settled between the parties and there is no other serious allegation against the petitioners, hence, 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.VI, Madurai, 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/-
24/09/2020

/ TRUE COPY /

/ /2020

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.VI,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7560 of 2020
Date :24/09/2020

VSG
JM/VR/SAR IV/28.09.2020/3P/5C