



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7951 of 2020

1. Nelson
2. Arivalagan
3. Savari Arockiya Selvi

... Petitioners/Accused
Nos.1 to 3

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
Cr.No.10 of 2020.

... Respondent/Complainant

For Petitioners: Mr.D.Balamurugapandi,
Advocate.

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

For Intervener : Mr.J.Lawrance, Advocate

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

PRAYER :-

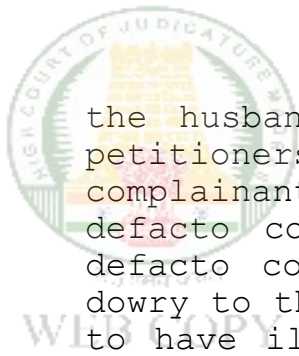
For Anticipatory Bail in Cr.No.10 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 498(A), 354(b) and 506(i) of IPC, in Crime No.10 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is

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the husband of the defacto complainant and the second and third petitioners are the father-in-law and mother-in-law of the defacto complainant respectively. The first petitioner got married the defacto complainant on 09.02.2020. At the time of marriage, the defacto complainant's parents have given gold jewels and cash as dowry to the petitioners. After marriage, the first petitioner said to have illegal intimacy with another lady at Chennai. That apart the second petitioner was also said to have misbehaved with the defacto complainant and demanded more dowry. Thereafter, the defacto complainant was driven out from the matrimonial home. Hence, the present complaint.

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

4. 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 and they have been falsely implicated in this case. He further submitted that the petitioners have not demanded any dowry from the defacto complainant. He further submitted that the defacto complainant left the matrimonial home on her own volition. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed that the allegations are very serious in nature. He further submitted that the petitioners were said to have demanded more dowry from the defacto complainant and the second petitioner misbehaved with the defacto complainant. He further submitted that the defacto complainant was driven out from the matrimonial home by the petitioners.

6. Considering the facts and circumstances of the case and also considering the rival submissions made on either side that the first petitioner is not only demanded dowry and he has also harassed the defacto complainant and the allegations are very serious in nature and the second petitioner said to have misbehaved with the defacto complainant, who is his daughter-in-law and he has also driven out the defacto complainant from the matrimonial home, in view of the above circumstances, I am not inclined to grant anticipatory bail to the petitioners 1 and 2.

7. Hence, this Criminal Original Petition is dismissed in respect of the petitioners 1 and 2.

8. In so far as the third petitioner is concerned, there is no serious allegation against her. Considering the above facts and circumstances of the case and also considering the rival submissions, I am inclined to grant anticipatory bail to the third petitioner on certain conditions.



9. Accordingly, the third petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the District Munsif Cum Judicial Magistrate, Vedasanthur, Dindigul District, on condition that the third 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the third petitioner 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 shall report before the respondent police as and when required for interrogation.

(c) the third petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the third petitioner 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 in accordance with law as if the conditions have been imposed and the third petitioner 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/third petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/07/2020

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/ /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



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAMADURAI,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7951 of 2020
Date :30/07/2020

VSG
TE/SKN/SAR-II : 03/08/2020 : 4P/5C