



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8012 of 2020

1. Stephen Thomas Daniel
2. Kanmani

... Petitioners/Accused No.2 & 3

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.
Cr.No. 5 of 2020.

... Respondent/Complainant

For Petitioners: Mr.N.Tamilmani, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No.5 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b) and 406 of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.5 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are parents of A1. The defacto complainant is the wife of A1. On the date of occurrence, the petitioners along with A1 have demanded dowry and also harassed the defacto complainant. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and

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the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioners are parents of A1. The marriage was solemnized between A1 and the defacto complainant on 23.08.2014. Thereafter, A1 and the defacto complainant are residing at Chennai, out of their wedlock, a female child was born. Thereafter, A1 went to Dubai for employment. Due to family dispute, A1 filed divorce petition and the defacto complainant also filed a petition for restitution of conjugal rights. Both the petitions were pending before the Family Court, Madurai. After knowing to the above said facts, the petitioners advised their son to withdraw the case and reunion with the defacto complainant. He further submitted that the petitioners tried to reunion of their son with the defacto complainant and there is no serious allegations against them. Hence, he prayed for grant of anticipatory bail to the petitioners.

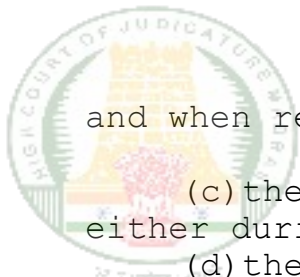
5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the allegation against the petitioners is that they along with A1 have demanded dowry and harassed the defacto complainant. Hence, the crime has been registered.

6.Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that the the petitioners are parents of A1 and the marriage took place in the year 2014, due to family dispute, A1 filed divorce petition and the defacto complainant also filed a petition for restitution of conjugal rights and both the petitions were pending before the Family Court, Madurai. Considering the above circumstances and the allegations against the petitioners is that they are parents of A1 only and there is no serious allegation against them, this Court is 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, Aruppukkottai, 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;

<https://hcservices.ecourtstg.in/hcservices> (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/-

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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, ARUPPUKKOTTAI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-5865[I] dated 03/08/2020)

ORDER

IN

CRL OP(MD) No.8012 of 2020

Date :31/07/2020

VSG

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