



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8063 of 2020

1. P.Prakash,
2. P.Banumathi @ Banumathisivam,
3. P.Suresh @ Sureshkuma,
4. S.Rajam @ Rajammal ... Petitioners/Accused Nos.1 to 4

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy City.
In Crime No. 15 of 2020. ... Respondent/Complainant

For Petitioners : M/s.P.Mahendran,
Advocate.

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

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

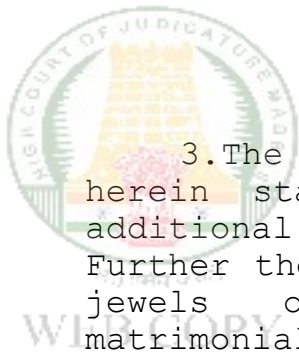
PRAYER :-

For Anticipatory Bail in Cr.No.15 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 of IPC, seek anticipatory bail.

2. The first petitioner is the husband of the defacto complainant and the petitioner 2 to 4 are the in-laws of the defacto complainant.



3.The case of the prosecution is that the first petitioner herein stated to harass the defacto complainant and demanded additional dowry at the instance of the petitioners 2 to 4 herein. Further the first petitioner herein has taken 10 sovereigns of gold jewels of the defacto complainant and thrown her out of the matrimonial home. Hence the complaint.

4. The learned counsel for the petitioners would submit that it is the second marriage for the first petitioner and the defacto complainant. He would also submit that the defacto complainant only left the matrimonial home and a divorce petition is also pending. He would also submit that petitioners 2 to 4 are only in-laws and they are now residing at Chennai.

5. The learned Government Advocate(Crl.Side) would submit that first petitioner herein started to harass the defacto complainant and demanded further dowry at the instance of the petitioners 2 to 4 herein. Further the first petitioner herein has taken 10 sovereigns of gold jewels of the defacto complainant and thrown her out of the matrimonial home

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioners 2 to 4 are the in-laws and there is no specific overt act has been attributed against them a divorce petition is also pending between the parties,only thereafter the present complaint has been given against these petitioners, 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 Additional Mahila Court, (Judicial Magistrate), Trichy on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 daily 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/08/2020

/ 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 ADDITIONAL MAHILA COURT,
(JUDICIAL MAGISTRATE), TRICHY.

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

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, CANTONMENT,
TRICHY CITY.

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

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-5958[I] dated 13/08/2020)

ORDER

IN

CRL OP(MD) No.8063 of 2020

Date : 12/08/2020

AAV

AE/AKM/SAR-II (14.08.2020) 3P 6C

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