



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

Date : 07/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8202 of 2020

MUTHUSAMY

... PETITIONER/ACCUSED NO.1

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 132 OF 2020..

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Venkateswaran,
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.132 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324, 329 and 498(A) of IPC and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.132 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner and she is also his uncle's daughter. The marriage between the petitioner and the defacto complainant took place eight months prior to the occurrence. During that period, the petitioner and other accused persons harassed the defacto complainant and demanded additional dowry. On 08.05.2020, while the defacto complainant was doing house work, the petitioner said to have attacked her and demanded additional dowry and also caused burn injuries over the body of the defacto complainant and driven out her from the matrimonial home, at that time she was pregnant. Hence, the crime has been registered against the petitioner and others.



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

4. The learned counsel appearing for the petitioner submitted that the defacto complainant is none other than his uncle's daughter and usual family dispute between the parties. The petitioner never demanded any dowry and the petitioner is willing to take back the defacto complainant to the matrimonial home, but, she only refused to come matrimonial home and join him. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner is a rowdy elements. On the date of occurrence, while the defacto complainant was doing house hold work, the petitioner said to have attacked her and demanded additional dowry and also caused burn injuries over the body of the defacto complainant and driven out her from the matrimonial home, at that time she was pregnant. So far as the submission of the petitioner, he further submitted that the defacto complainant is also willing to joint with him after delivery of the baby.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioner and the defacto complainant are close relatives and the petitioner is willing to take back the defacto complainant to the matrimonial home, and the defacto complainant is also willing to join with the petitioner after delivery the baby, considering the above circumstances, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Kadaladi, on condition that the 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 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 petitioner shall report before the respondent police as and when required for interrogation.

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



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

sd/-

07/09/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KADALADI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8202 of 2020

Date : 07/09/2020

vsg

JM/JC/SAR IV/10.09.2020/3P/5C