



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8401 of 2020

1. Mathan Kumar
2. Sagunthala
3. Narayanasamy
4. Suguna

... Petitioners/Accused 1 to 4

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
Crime No.16 of 2020.

... Respondent/Complainant

For Petitioners: M/s.T.Lenin Kumar,
Advocate.

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

For Intervenor : Mr.Mohan, Advocate

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

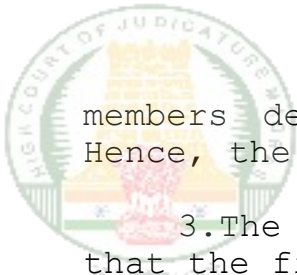
PRAYER :-

For Anticipatory Bail in Cr.No.16 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners are arrayed accused No.1 to 4 in Crime No.16 of 2020, on the file of the respondent police for the offences punishable under Sections 498(A), 406 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 and Section 4 of Dowry Prohibition Act 1961, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a married woman, however, the first petitioner wants to marry her and despite her objection, he compelled her to marry him and the marriage was taken place on 30.06.2020. After the marriage, the first petitioner and the de-facto complainant are living together for some time. Thereafter, the first petitioner and his family



members demanded dowry and also send her to the parental home. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the first petitioner is not aware of the fact that the de-facto complainant is a married woman and the marriage was arranged through broker and before marriage, the first petitioner came to know about the same. Immediately, he stopped the marriage, therefore, no marriage was taken place as alleged by the prosecution and they never living together. That apart, the first petitioner has also given a complaint against the de-facto complainant before the Thuraiyur Police Station and the same is also pending.

4.The learned counsel appearing for the intervenor submitted that the first petitioner is knowing fully well that the de-facto complainant already got married and the marriage also dissolved by the customary divorce, after knowing the fact that only, he married the de-facto complainant and thereafter, he demanded additional dowry.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that there is a factual dispute as to whether marriage was taken place between the first petitioner and the de-facto complainant and the first petitioner was aware of the fact of the earlier marriage of de-facto complainant and also a counter complaint was pending against the de-facto complainant, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/08/2020

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.8401 of 2020
Date :18/08/2020

MS/AKM/SAR-3/24.08.2020/3P.5C