



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

Date : 03/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8995 of 2020

1. V.Ammal
2. P.Vaithiyalingam
3. V.Indrani
4. R.Krithiga
5. A.Rajendran @ Mettal Rajendran ... Petitioners/Accused 1 to 5

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
Crime No.21 of 2020 ... Respondent/Complainant

For Petitioners: Mr.Subash Babu, Advocate.
For Respondent : Mr.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.21 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) and 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, and Section 4 of Dowry Prohibition Act, 1961, in Crime No.21 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first petitioner and other petitioners are in-laws of the defacto complainant. The marriage between the first petitioner and the defacto complainant took place on 27.01.2020 and they were living together for two months. Thereafter, all the accused persons said to have demanded additional dowry and harassed



her and driven her out from the matrimonial home. On 01.08.2020, the petitioners said to have come to the defacto complainant's house and compelled her to sign in the divorce papers and stated that they have also taking steps for second marriage to the petitioner with another lady. Hence, the present complaint.

WEB COPY

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 marriage between the first petitioner and the defacto complainant took place in the month of January, 2020. After two months, the first petitioner coming to know that the defacto complainant is having health problem and she is taking treatment, and she has attempted to commit suicide twice. Thereafter, the defacto complainant on her own volition left the matrimonial home, and filed a petition under Section 125 Cr.P.C. seeking monthly maintenance, which is also pending. Now, a false complaint has been given as if the petitioners harassed the defacto complainant and demanded additional dowry. After the marriage, the defacto complainant was residing the petitioners' house only for 1 ½ months and there is no serious allegations against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

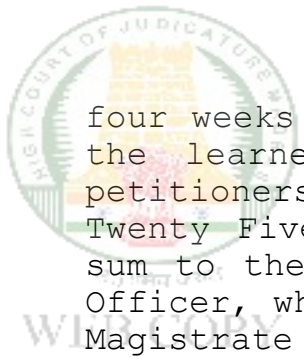
5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners said to have demanded additional dowry and harassed her and driven out her from the matrimonial home. Thereafter, On 01.08.2020, the petitioners said to have come to the defacto complainant's house and compelled her to sign in the divorce papers and stated that they have taking steps for second marriage to the first petitioner with another lady. Hence, he opposed this petition.

6. Considering the rival submissions and perused the records.

7. On perusal of the FIR, it is seen that marriage between the first petitioner and the defacto complainant took place in the month of January, 2020, and lived together only for a short time, thereafter problem arose between them, now, she has also filed petition for maintenance and the same is pending. It is also stated that the defacto complainant is having some mental illness, and attempted to commit suicide.

8. Considering the above facts and circumstances of the case and the fact that it is matrimonial dispute and there is no other serious allegation against the petitioners, hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on <https://hcservices.com> 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, Musiri, 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;

(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/-
03/09/2020

/ 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 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.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-6246[I] dated 03/09/2020)

ORDER

IN

CRL OP(MD) No.8995 of 2020

Date :03/09/2020

MS/JC/SAR-1/09.09.2020/4P.6C