



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

Date : 04/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9348 of 2020

1. KUMARESAN
2. VASANTHA
3. AMBIKA

... PETITIONERS NO.1 TO 3/ACCUSED NO.2 TO 4

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
AWPS TALLAKULAM,
MADURAI CITY,
CRIME NO. 24 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.V.Vishnu,
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 Crime No. 24 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b), 323 and 506(i) of IPC, in Crime No.24 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are in-laws of the defacto complainant. The marriage between A1 and the defacto complainant was solemnized in the year 2013 and it is a love marriage. Thereafter, both A1 and the defacto complainant were living in Singapore. Out of their wedlock, a female child was born. Thereafter, they came back to India and settled at Pandicherry. Due to matrimonial dispute, there was a wordy quarrel between them, for which, the petitioners and A1 said to have demanded dowry and



harassed her and also driven out her from the matrimonial home. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

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 petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that even as per FIR, the allegation against A1 only and the petitioners have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

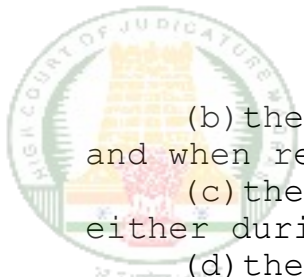
5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners are in-laws of the defacto complainant. On the date of occurrence, the petitioners and A1 said to have demanded dowry and harassed her and also driven out her from the matrimonial home.

6. On perusal of FIR, it is seen that the petitioners are in-laws of the defacto complainant. It is also seen that the marriage between A1 and the defacto complainant was solemnized in the year 2013, it was a love marriage and they were living in Singapore. Thereafter, They came back to India and settled at Pandicherry. Due to matrimonial dispute, there was a wordy quarrel between them, the petitioners and A1 said to have demanded dowry and harassed her and also driven out her from the matrimonial home.

7. Considering the facts and circumstances of the case and also considering the rival submissions on either side and insofar as the petitioners are concerned, they are in-laws of the defacto complainant and even as per FIR, the allegation only against A1, hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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, Madurai, 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



(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 JUDGE,
ADDITIONAL MAHILA COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9348 of 2020

Date : 04/09/2020

VSG

<https://hcmvcs.ecm.in/Services/CaseDetails.aspx?CaseID=309.09.2020/3P/4C>