



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

Date : 10/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9582 of 2020

1. V.Thavasankarapandian
2. T.Vadivel
3. Muthuvalli
4. Vijay Anand
5. Mahalakshmi

... Petitioners/Accused 1 to 5

Vs

State through
The Inspector of Police,
All Women Police Station,
Keelakkarai, Ramanathapuram District.
Crime No.12/2020.

... Respondent/Complainant

For Petitioners: Mr.K.Elanchezian,
Advocate.

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

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

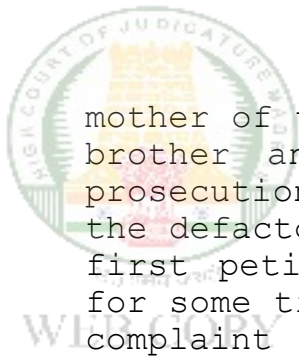
PRAYER :-

For Anticipatory Bail in Crime No.12/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under section 498(A) and Section 4 of Dowry Prohibition Act, in Crime No.12 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The first petitioner is the husband of the defacto complainant, and the second and third petitioners are father and



mother of the first petitioner, and fourth and fifth petitioners are brother and sister of the first petitioner. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place in the year 2015. Thereafter, the first petitioner and the defacto complainant were living together for some time. Earlier the defacto complainant said to have given a complaint before the respondent police alleging that the first petitioner has demanded dowry from her. After the enquiry, since the first petitioner and the defacto complainant were agreed to live at a separate house at Ramnanthapuram, the said complaint has been closed by the respondent police. Thereafter, the first petitioner and the defacto complainant were living together for some time in a separate house. According to the defacto complainant, the first petitioner deserted her and living separately at Chennai, and demanded dowry from her. Based on the complaint given by the defacto complainant, the crime has been registered.

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

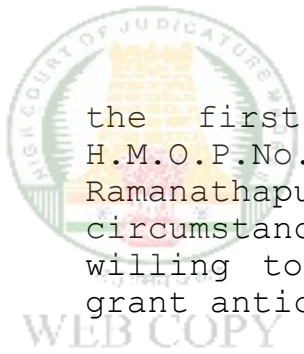
4. The learned counsel appearing for the petitioners submitted that the first petitioner is willing to live with the defacto complainant, but, from the beginning the defacto complainant refused to live with him. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. 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 dowry from the defacto complainant and deserted her and the first petitioner is living separately at Chennai. Hence, the crime has been registered.

6. Considering the rival submissions and perused the records.

7. On perusal of the materials available on records, it is seen that earlier complaint has been given by the defacto complainant in the year 2015. After compromising, the said complaint has been closed. Thereafter, both of them were living together at separate house for some time. Once again, the defacto complainant filed the present complaint alleging that the first petitioner deserted the defacto complainant and he is living at Chennai and also demanded dowry.

8. Considering the facts and circumstances of the case and also considering the fact that as per request of the defacto complainant, the petitioners arranged a separate house at Ramanathapuram, even thereafter, the defacto complainant is not willing to live with the first petitioner. Alleging that the marriage was not consummated,



the first petitioner has filed a petition for divorce in H.M.O.P.No.40 of 2020 on the file of the Family Court, Ramanathapuram and the same is pending. Considering the above circumstances and considering the fact that the first petitioner is willing to live with the defacto complainant, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

9. 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 learned Judicial Magistrate (Additional Mahila Court), Ramanathapuram, 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/-
10/09/2020

/ 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



TO

1. THE JUDICIAL MAGISTRATE
(ADDITIONAL MAHILA COURT), RAMANATHAPURAM.

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

3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KEELAKARAI, RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.9582 of 2020
Date : 10/09/2020

vsg

AE/JC/SAR-III (17.09.2020) 4P 5C