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

Date : 11/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9623 of 2020

1. A.Pandy Prasanna
2. A.Valarmathi
3. A.Gowthaman

... Petitioners

Vs

The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.
(Crime No.27 of 2020).

... Respondent

For Petitioner : M/s.H.Velavadhas,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.27 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 294(b) & 506(i) of IPC, in Crime No.27 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the petitioners-2 & 3 are in-laws of the defacto complainant. The allegation is that due to quarrel between the first petitioner and the defacto complainant, the petitioners said to have harassed her and demanded more dowry. Hence, the complaint.



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 first petitioner is willing to live with the defacto complainant and she only deserted the first petitioner. In such circumstances, the first petitioner has filed a petition in HMOP No.319 of 2020 seeking divorce on the file of the Family Court, Madurai and the same is pending. Earlier, the defacto complainant has filed a complaint before the All Women Police Station, Tallakulam where enquiry was conducted and the same was closed. He further submit that again, with very same allegations the present complaint has been filed. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioners said to have harassed the defacto complainant and demanded more dowry. He further submitted that she was compelled to live in the parental home.

6. Considering the fact and circumstances of the case and considering the fact that this is a second complaint, earlier complaint was closed by the respondent police and a HMOP petition is pending on the file of the Family Court, Madurai, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Additional Mahila Court (Magistrate), 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 to ensure their identity;

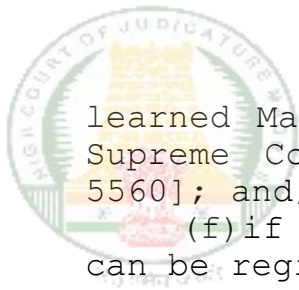
(b) the petitioners shall report before the respondent police as and when required for interrogation.

(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

https://hcservices.ecourts.gov.in/hcservices/ are 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.

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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 ADDITIONAL MAHILA COURT
(MAGISTRATE), MADURAI.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9623 of 2020
Date :11/09/2020

KSA
AE/VR/SAR-II (17.09.2020) 3P 5C