



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10055 of 2020

1. Sithik Basha

2. Noorjahan

... Petitioners/Accused No.1 & 2

Vs

The State Rep. by
The Sub Inspector of Police,
All Women Police Station,
Fort, Trichy City.
(Crime No.3 of 2020).

... Respondent

For Petitioners: Mr.R.Alagumani,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

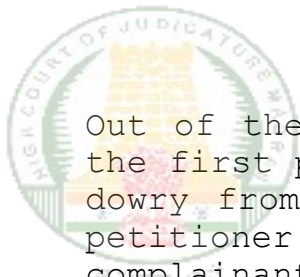
For Anticipatory Bail in Crime No.3 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 498(A) of IPC, in Crime No.3 of 2020 on the file of the respondent police, seek anticipatory bail.

2.This is the second anticipatory bail application. Earlier, this Court, by order dated 04.03.2020, in Crl.O.P.(MD).No.4056 of 2020, granted anticipatory bail to A3 and A4 and dismissed the anticipatory bail against the petitioners herein.

3.Totally there are four accused in this case. The first petitioner is the husband of the defacto complainant and the second petitioner is the mother-in-law of the defacto complainant. The case of the prosecution is that the marriage between the defacto complainant and the first petitioner took place in the year 2008.



Out of their wedlock, two children were born. After the death of the first petitioner's father, the petitioners said to have demanded dowry from the defacto complainant and harassed her and the first petitioner married another lady by name Meharaj. Hence, the present complainant.

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4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

5. 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 only against the first petitioner. Hence, they seek anticipatory bail.

6. The learned Government Advocate (Crl. Side), appearing for the respondent police opposing this bail application by submitting that the petitioners demanded dowry from the defacto complainant and harassed her and the first petitioner married another lady.

7. This is the second application and there is no change of circumstances against the first petitioner. The allegation was against the first petitioner that he married another lady. Hence, I am not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed in respect of the first petitioner.

8. Considering the facts and circumstances of the case and also considering the fact that the second petitioner is mother-in-law of the defacto complainant and there was no serious allegation of any dowry demand, hence, I am inclined to grant anticipatory bail to the second petitioner with certain conditions.

9. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or her 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, Trichy, on condition that the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 second petitioner 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 second petitioner shall report before the respondent police as and when required for interrogation.

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(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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/second petitioner thereafter absconds, 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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
FORT, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10055 of 2020

Date :21/09/2020

VSG

TE/JC/SAR-II : 25/09/2020 : 3P/5C

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