



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9856 of 2020

1. M.Pradeep Kannan
2. M.Kathiresan
3. M.Gomathi
4. V.Mathimohan Petitioners/Accused Nos.1 to 4

Vs

The Inspector of Police,
Ayakkudi Police Station,
Palani Taluk, Dindigul District.
(Crime No.587/2020). . . . Respondent/Complainant

For Petitioners: M/s.J.Balameenakshi,
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. 587 of 2020 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 498(A) and 506(i) of IPC, in Crime No.587 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Totally there are four accused in this case. The first petitioner is the husband of the defacto complainant and the other petitioners are her in-laws. The case of the prosecution is that the marriage between the defacto complainant and the first petitioner took place in the year 2019 and they were living happily for the past one and half years. On 20.06.2020, the petitioners said to have demanded a sum of Rs.3,00,000/- as dowry from the defacto complainant and also attacked the defacto complainant with hands,



and the first petitioner said to have poured kerosene in the mouth and caused injuries. Thereafter, the father of the defacto complainant has taken her and admitted her in the hospital. Hence, the present complainant.

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 main allegation only against the first petitioner, hence, they seek anticipatory bail.

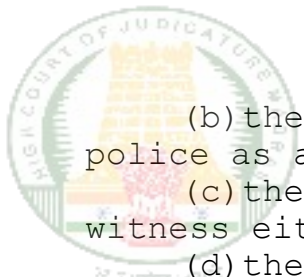
5. The learned Government Advocate (Crl. Side), appearing for the respondent opposing this bail application by submitting that the petitioners said to have demanded dowry from the defacto complainant and also attacked the defacto complainant with hands and the first petitioner said to have poured kerosene in the mouth and caused injuries.

6. The main allegation was against the first petitioner herein, that he poured kerosene in the mouth of the defacto complaint and also harassed her demanding dowry and physically assaulted her. 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.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in-laws of the defacto complainant and there was no allegation of any dowry demand, and harassment, hence, I am inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

8. Accordingly, the petitioners 2 to 4 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, Palani, Dindigul District, on condition that the petitioners 2 to 4 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 2 to 4 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 2 to 4 shall report before the respondent police as and when required for interrogation.

(c)the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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 2 to 4 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/09/2020

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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,
PALANI, DINDIGUL DISTRICT.

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

3.THE INSPECTOR OF POLICE,
AYAKKUDI POLICE STATION,
PALANI TALUK, DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9856 of 2020

Date :21/09/2020

vsg

<https://hccservices.sbi.in/CaseDetails.aspx?CaseNo=25.09.2020> 3P 5C