



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

Date : 17/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9905 of 2020

1. Vijay
2. V.Bose
3. Bharathi
4. Gavaskar
5. Shalini
6. Ravanish

... Petitioners/Accused 1 to 6

Vs

The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai.
Crime No.23 of 2020.

... Respondent/Complainant

For Petitioners : Mr.R.Murali,
Advocate.

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

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

PRAYER :-

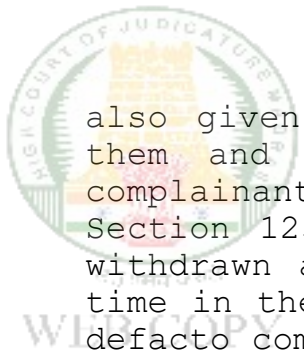
For an Anticipatory Bail in Crime No.23 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 294(b), 506(i) of IPC and Section 4(1) of TNPHW Act seek anticipatory bail.

2. Heard both sides.

3. The first petitioner herein is the husband of and the other petitioners herein are the in-laws of the defacto complainant. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place on 27.08.2014 at that time the petitioners herein demanded dowry and the same was



also given. Thereafter in the year 2015 a male child was born to them and the petitioners herein started harassing the defacto complainant. Hence she has filed a petition for maintenance under Section 125 of Cr.P.C during the year 2018 and the same was also withdrawn and thereafter they started living together. After some time in the year 2019 the petitioners herein started harassing the defacto complainant. Hence the present complaint.

4. The learned counsel for the petitioners would submit that now the defacto complainant was living with her parents and the first petitioner has also filed a petition for divorce before the Sub Court, Uthamapalayam, in HMOP No. 138 of 2019, and the same is also pending. Thereafter the defacto complainant has filed an application for transfer of the case to Madurai, which was also allowed now the same is also pending. In the mean time the defacto complainant has also filed a petition for maintenance under Section 125 of Cr.P.C. After a long time only to harass the petitioner the present case has been filed.

5. The learned Government Advocate(Crl.Side) would submit that all the petitioners herein have demanded dowry and harassed the defacto complainant.

6.Taking into consideration the facts and circumstances of the case, taking note of the fact that the defacto complainant is living in her parental home for a long time and a petition for divorce is also pending and also taking note of the fact that the present complaint is filed relating to the occurrence taken place in 2014, 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 Additional Mahila Court, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties (common surety) 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
<https://hccourtscourtsup.in/hoservices> 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/09/2020

/ 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 concerned.

TO

1. THE ADDITIONAL MAHILA JUDGE, MADURAI

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI SOUTH, MADURAI.

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

+1. CC to M/S.R.MURALI, Advocate, SR.No.6487 (dt.18.09.2020)

ORDER
IN
CRL OP(MD) No.9905 of 2020
Date : 17/09/2020

AAV
PK/JC/SAR-2/21.09.2020 : 3P/5C

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