



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.10032 of 2020

1.Shastikumar
2.Ramalakshmi

... Petitioners/Accused Nos.1 & 2

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
Crime.No. 13 of 2020.

... Respondent/Complainant

For Petitioners: Mr.T.Veerakumar,
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 Cr.No.13 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 sections 294(b), 498(A) and 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 1998 and Section 4 of Dowry Prohibition Act, 1961, in Crime No.13 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Totally there are three 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 2015, at that time, the parents of the defacto complainant has given a sufficient dowry. Thereafter, the petitioners said to have demanded



dowry from the defacto complainant and also harassed her and driven her out from the matrimonial home in the year 2015 itself. 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 defacto complainant has insisted the first petitioner for a separate accommodation for them, the same was refused by the first petitioner, due to which, the defacto complainant voluntarily left the matrimonial home. Thereafter, the first petitioner has taken several steps for reunion, but the defacto complainant has refused. He further submitted that the first petitioner has filed a petition seeking divorce in H.M.O.P.No.56 of 2020, which is also pending. After knowing the same, the defacto complainant has filed the present false complaint. Hence, they seek anticipatory bail.

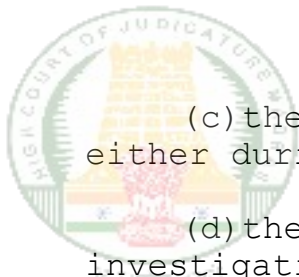
5.The learned Government Advocate (Crl. Side), appearing for the respondent police opposing this bail application by submitting that the petitioners demanded dowry from the defacto complainant and also harassed her and driver her out from the matrimonial home.

6.Considering the facts and circumstances of the case and also considering the fact that the defacto complainant is living separately from 2015, and the first petitioner said to have taken several steps for reunion, but the defacto complainant refused the same and now the divorce petition is also pending between the parties and there was no serious allegation of dowry demand, I am 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 Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District, 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 <https://hcmr.judges.gov.in/e-services> and 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;

WEB COPY (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/-
21/09/2020

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/ /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 JUDICIAL MAGISTRATE NO.1, RAMANATHAPURAM
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
- 3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10032 of 2020
Date :21/09/2020

VSG

<https://hccs.judges.gov.in/hccs-services> 2020 : 3P/5C