



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10076 of 2020

1. P.Saravana Kumar
2. M.Periasamy
3. P.Jeyalakshmi
4. P.Vasanthi

... Petitioners/Accused No.1 to 4

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District,
Crime No. 34 of 2020.

... Respondent/Complainant

A.Thangajothi

... Petitioner/Intervener/
Defacto Complainant

For Petitioners : M/s.R.Anand,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

For Intervener : Mr.M. Saravana Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.34 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A-1 to A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) and 406 of IPC, in Crime No.34 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is wife of the first petitioner herein/ A-1 and the other petitioners are in-laws. The petitioners said to have demanded more dowry from the defacto complainant. 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 petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that HMOP proceeding is pending between the first petitioner and the defacto complainant. Hence, he seek anticipatory bail.

5. The learned counsel appearing for the intervener submitted that the gold jewels of the defacto complainant have been pledged by the first petitioner and her educational certificate also have been retained by the first petitioner. He further submitted that HMOP proceeding is pending between the first petitioner herein and the defacto complainant.

6. The learned Government Advocate (Crl. Side), on instructions, submitted that HMOP proceeding is pending between the parties.

7. Considering the fact and circumstances of the case and considering the fact HMOP proceeding is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of Two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 first petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Three Weeks and thereafter as on 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 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/-
29/10/2020

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

ORDER
IN
CRL OP(MD) No.10076 of 2020
Date :29/10/2020

KSA
TE/JC/SAR-III : 04/11/2020 : 3P/5C