



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2020

PRESENT

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

CRL OP(MD). No.10140 of 2020

1. Sivaraj
2. K.Marimuthu
3. Mayilathal

... Petitioners/Accused 1-3

Vs

1. State Rep. by
The Inspector of Police,
Awps Police Station, Palani,
Dindigul District ,
Crime No. 14 of 2020.

2. Kowsalya

... Respondents/Complainants

(R2 Suo Motu Impleaded as Per Order of this Hon`ble Court dated 23.09.2020 in CRL OP(MD) No.10140/20 by VBDJ)

For Petitioners : M/s.N.Mohan, Advocate.

For R1 : Mrs.M.Anandha Devi,
Government Advocate (Crl.Side)

For R2 : Mr.D.Ramesh Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.14 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b) IPC and Section 4 of the Dowry Prohibition Act in Crime No.14 of 2020 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the the first petitioner and the defacto complainant are husband and wife. The petitioners herein harassed the defacto complainant by demanding dowry. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal 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. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that due to family dispute, the present case was registered and that investigation is pending.

6.Considering the facts and circumstances of the case and considering the fact that it is purely a family dispute, 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 on their appearance before the learned Judicial Magistrate, Palani and on their executing 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 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(A1) shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation and the other petitioners(A2 & A3) shall report before the respondent police as and 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 absconds, a fresh FIR may be registered against him/under Section 229-A IPC.



8.The first petitioner(A1) and the second respondent are directed to appear before the District Mediation and Conciliation Centre, Dindigul for amicable settlement on 23.11.2020.

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sd/-
06/10/2020

/ 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,
PALANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
AWPS POLICE STATION, PALANI,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MEDIATION AND CONCILIATION CENTRE,
DINDIGUL.

ORDER
IN
CRL OP(MD) No.10140 of 2020
Date :06/10/2020

gns
JM/VR/SAR III/09.10.2020/3P/6C