



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

Date : 05/10/2020

PRESENT

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

CRL OP(MD) . No.10772 of 2020

1. Muralin
2. Daisy Siromani
3. Iyyappan
4. Sunitha

... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Cr No.37 of 2020).

... Respondent/Complainant

For Petitioners: Mr.B.Brijesh Kishore,
Advocate.
For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.37 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 3(1) and 4 of Tamilnadu Dowry Prohibition Act, 1961, in Crime No.37 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 12.07.2020 the first petitioner has performed betrothal with the defcto complainant's daughter and fixed date for marriage to be held on 28.08.2020. At the time of betrothal, the defacto complainant has given Rs.5,00,000/- as cash and 3½ sovereigns of gold chain to the first petitioner. While being so, all of a sudden the petitioners had stopped the marriage and also demanded more dowry from the defacto complainant to marry his daughter. Based on the complaint given by the defacto complainant, the crime has been registered against the



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 even today, the first petitioner is willing to marry the victim girl. He further submitted that the defacto complainant only has stopped the marriage alleging that the first petitioner has demanded more dowry. He further submitted that absolutely there is no demand of dowry and all the allegations are false. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the engagement was performed between the first petitioner and the defacto complainant's daughter on 12.07.2020. Thereafter, the first petitioner refused to marry the victim and also demanded more dowry.

6. On perusal of the records, it is seen that after engagement between the first petitioner and the defacto complainant's daughter, the petitioner refused to marry the defacto complainant's daughter.

7. Considering the above circumstances and also considering the fact that there is no dowry demand, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to pay a sum of Rs.5,00,000/- and to return 3 ½ sovereigns of gold to the defacto complainant. On such payment, 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.II, Padmanabhapuram, 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 at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation. Further, the petitioners 2 to 4 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/10/2020

/ 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.II, PADMANABHAPURAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10772 of 2020
Date : 05/10/2020

vsg

PK/AKM/SAR-2/12.10.2020 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>