



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

Date : 08/10/2020

PRESENT

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

CRL OP(MD) .No.11013 of 2020

1.K.Saravana Rajasena
2.K.Pramarani
3.A.K.Indu
4.Srinivasan

...Petitioners/Accused Nos.1 to 4

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City.
(In Cr No.38 of 2020)

... Respondent/Complainant

For Petitioners: Mr.Mathew Moses,
Advocate.

For Respondent : Mrs.M.Anandhadevi,
Government Advocate (Crl.Side)

For Intervenor : Mr.M.Jegadeesh Pandian
Advocate

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

PRAYER :-

For an Anticipatory Bail in Crime No. 38 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 offence punishable under Sections 498(A), 406 and 313 IPC, in Crime No.38 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first accused were married on 08.12.2019 at Madurai. After marriage, the first accused compelled the defacto complainant to abort and demanded dowry. Hence, the present 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 first petitioner has filed a petition in H.M.O.P.No.358 of 2020 on the file of the Family Court, Madurai. Subsequently, the defacto complainant has received the summon and lodged a complaint before the respondent police. He further submitted that the petitioners are innocent persons and falsely implicated in this case.

5.The learned Government Advocate (Crl.Side), on instructions, submitted that due to matrimonial dispute, the first accused compelled the defacto complainant to abort and demanded dowry.

6.Considering the above facts and circumstances of the case and also considering the fact that there is serious allegation as against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this Criminal Original Petition is dismissed in respect of the first petitioner.

7.In so far as the petitioners 2 to 4 / A2 to A4 are concerned, there is no serious allegation as against them, I am inclined to grant anticipatory bail to the petitioners 2 to 4/ A2 to A4 with certain conditions.

8.Accordingly, the petitioners 2 to 4 / A2 to A4 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 Additional Mahila Court (Magistrate Level), Madurai, on condition that the petitioners 2 to 4 / A2 to A4 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:

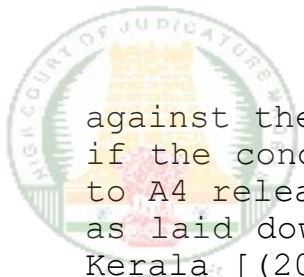
(a) the petitioners 2 to 4 / A2 to A4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 2 to 4 / A2 to A4 shall report before the respondent police as on when required for interrogation;

(c)the petitioners 2 to 4 / A2 to A4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 to 4 / A2 to A4 shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate is entitled to take appropriate action



against the petitioners 2 to 4 / A2 to A4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 / A2 to A4 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 2 to 4 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

9.Accordingly, this Criminal Original Petition is partly allowed.

sd/-
08/10/2020

/ 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 ADDITIONAL MAHILA JUDGE, (MAGISTRATE LEVEL),
MADURAI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
- 3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11013 of 2020
Date :08/10/2020

VSD
PK/JC/SAR-II/12.10.2020 : 3P/5C

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