



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/10/2020

WEB COPY

PRESENT

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

CRL OP(MD).No.11035 of 2020

1. Gobi
2. Velusamy
3. Latchumi @ Lakshmi
4. Ajithkumar
5. Ambiga @ Mahalakshmi
6. Ravichandran

... Petitioners/  
Accused Nos.1 to 6

Vs

The State rep. by  
The Sub Inspector of Police,  
All Women Police Station,  
Musiri, Trichy District.  
In Crime.No.19 of 2020.

...Respondent/Complainant

For Petitioners: Mr.R.Thanga Pandian,  
Advocate.

For Respondent : Mrs.M.Anandha Devi,  
Government Advocate(Criminal Side)

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

**PRAYER :-**

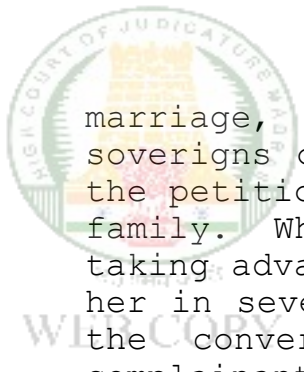
For an Anticipatory Bail in Crime No.19 of 2020 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners, who are arrayed as A1 to A6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 354, 354(A)(1)(i), 354(A)(1)(ii), 323, 201, 506(i) IPC, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Dowry Prohibition Act, 1961, in Crime No.19 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant got married to the first petitioner on 12.09.2019. At that time of

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marriage, the defacto complainant's family presented twelve sovereigns of jewels and other articles worth about Rs.1,50,000/- to the petitioners. Thereafter, the defacto complainant left as a joint family. While being so, the father-in-law namely the second accused taking advantage of the absence of the first accused misbehaved with her in several times. In fact the defacto complainant also recorded the conversation between the second accused and the defacto complainant. When it was disclosed by the first accused and other family members, they forced and compelled her to delete the message. Thereafter, the defacto complainant left the matrimonial home on 08.05.2020 and gave a complaint before the respondent police. Hence, the case has been registered.

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 would submit that the defacto complainant mainly made allegations against her father-in-law in order to corner him for the purpose of living with her husband by separate house, which, the first petitioner has not acceded. Hence, the defacto complainant gave a false complaint against the petitioners.

5.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the second petitioner sexually harassed the defacto complainant and further all the accused persons have threatened the defacto complainant by deleting the conversation between the second petitioner and the defacto complainant. Hence, the crime has been registered.

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

7.In so far as the petitioners 3 to 6 / A3 to A6 are concerned, there is no serious allegation as against them, I am inclined to grant anticipatory bail to the other petitioners/A3 to A6 with certain conditions.

8.Accordingly, the petitioners 3 to 6/A3 to A6 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 Judicial Magistrate Court, Thuraiyur, Trichy District, on condition that the petitioners 3 to 6/A3 to A6 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 3 to 6/A3 to A6 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 3 to 6/A3 to A6 shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on when required for interrogation;

(c) the petitioners 3 to 6/A3 to A6 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 3 to 6/A3 to A6 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 3 to 6/A3 to A6 in accordance with law as if the conditions have been imposed and the petitioners 3 to 6/A3 to A6 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 3 to 6 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

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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,  
THURAIYUR,  
TRICHY DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
MUSIRI,  
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1CC to M/s.R.THANGAPANDIAN, Advocate (SR-6854[I] dated 08/10/2020)

ORDER

IN

CRL OP(MD) No.11035 of 2020

Date :08/10/2020

VSD

SRS/ SMA/SAR-III/ 12.10.2020/ 4P/6C