



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/10/2020

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PRESENT

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

CRL OP(MD) . No.11350 of 2020

1. Senthil Ramesh
2. Arumugam
3. Jeayaselvi @ Jayaseeli
4. Subathra
5. Kalidasan
6. Packialatha

... Petitioners/Accused Nos.1 to 6

Vs

State, represented by
The Inspector of Police,
All Women Police Station,
Thoothukudi.
Crime No.27/2020.

... Respondent/Complainant

For Petitioners : M/s.M.Saravanan,
Advocate.

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

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

PRAYER :- For Anticipatory bail in Crime No.27 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), 494 and 506(i) of IPC., in Crime No.27 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 are husband and wife. A1 has secondly married another woman without knowledge of the defacto complainant. When the defacto complainant questioned about the same, A1 along with the other



petitioners, demanded more dowry from the defacto complainant and abused her with filthy language and threatened her with dire consequence. Hence, the complaint.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. The petitioners and the defacto complainant are close relatives. After the demise of her husband, the defacto complainant wanted to marry A1/1st petitioner. Since huge age difference between A1/1st petitioner (25) and the defacto complainant (38), A1/1st petitioner refused to marry the defacto complainant. From that onwards, the defacto complainant developed animosity against the entire family of the 1st petitioner. Further he submitted that even as per the FIR, A1 got married A4 on 20.06.2018. After the lapse of two years, the defacto complainant lodged a false complaint as against the petitioners and hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the A2 & A3 are the parents of A1. A4 is the wife of A1. A4 & A5 are the parents of A4. Even as per FIR, the defacto complainant got married with A1 and the same was also refused by the petitioners. Further, with regard to the same, there is no proof was produced by the defacto complainant.

5.Taking into consideration of the fact the defacto complainant has not produced any proof with regard to her marriage with A1 and also the fact that after lapse of two years A1 married A4, she lodged a complaint as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four 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 1st petitioner shall report before the respondent police daily at 10.30 a.m without fail for the period of two weeks thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> 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/-
15/10/2020

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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 NO.IV, THOOTHUKUDI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOOTHUKUDI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-7036[I] dated 15/10/2020)

ORDER
IN
CRL OP(MD) No.11350 of 2020
Date : 15/10/2020

DSS
AE/SMA/SAR-II (03.11.2020) 3P 6C

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