



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2020

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PRESENT

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

CRL OP(MD) . No.11787 of 2020

1. Muthu Manickam
2. Padma
3. Kalavithi
4. Kanagamani

... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by
The Inspector of Police,
All-Women Police Station,
Srivilliputhur, Virudhunagar District.
(Crime No.11 of 2020).

... Respondent/Complainant

For Petitioners : M/s.R.Suriya Narayanan,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervener : Mr.Vakeeswaran, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.11 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A-1 to A-4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b), 406 & 506(i) of IPC and Section 4 of Tamil Nadu Prohibition Women Harassment Act, in Crime No.11 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is wife of A-1. The allegation against the first petitioner/A-1 is that he was having Homo-sex with his friend and the same was supported by the second petitioner. The petitioners said to have demanded huge dowry from the defacto complainant. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent and the learned counsel appearing for the intervener.

4. The learned counsel appearing for the petitioners submitted that the first petitioner is husband and the other petitioners are in-laws of the defacto complainant and they are innocent persons. He further submitted that due to matrimonial dispute between the parties they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5. The learned counsel appearing for the intervener would submit that the first petitioner is the husband and the other petitioners are in-laws of the defacto complainant. He would further submit that the first petitioner/A-1 was having Homo-sex with his friend.

6. The learned Government Advocate (Crl. Side), on instructions, submitted that HMOP proceeding is pending between the parties.

7. Considering the fact and circumstances of the case and considering the fact that HMOP proceeding dispute is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, 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 Additional Judicial Magistrate (Mahila Court), Srivilliputhur, Viruthunagar District, 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 and the defacto complainant are directed to appear before the Mediation and Conciliation Centre, Virudhunagar District at Srivilliputhur on 09.11.2020;

(c) 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;

(c) the petitioners shall not tamper with evidence or witness



(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/-

28/10/2020

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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 JUDICIAL MAGISTRATE (MAHILA COURT),
SRIVILLIPUTHUR.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

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

COPY TO: THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1cc to Mr.C.VAKEESWARAN, Advocate in SR.No.7202

ORDER

IN

CRL OP(MD) No.11787 of 2020

Date : 28/10/2020

KSA