



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

Date : 23/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.12213 of 2020

1.S.Kandhan
2.K.Vanitha

... Petitioners/Accused

Vs

The State rep.by
The Sub Inspector of Police,
Sipcot Police Station,
Thoothukudi.
Crime No.569/2020.

... Respondent/Complainant

For Petitioners: M/S.C.Sangamithirai,
Advocate dated:23.11.2020

:Mr.A.Syed Abdul Kather, Advocate dated 02.03.2021

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)dated:23.11.2020
Mr.M.V.Chandrasekaran,
Government Advocate(Crl.Side) dated 02.03.2021

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

PRAYER :-

For Anticipatory Bail in Crime No.569 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under section **(*) 304(B) of IPC**, in Crime No.569 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused got married the defacto complainant on 10.11.2019. Thereafter, the first accused and the petitioners said to have demanded more dowry from the defacto complainant and the defacto complainant was driven out from the matrimonial home. Thereafter, she went to her parental home and committed suicide by hanging herself.



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 petitioners' son got married the defacto complainant on 10.11.2019. Thereafter, there was a family dispute between the first accused and the defacto complainant, due to which, the petitioners' son has filed a divorce petition in HMOP.No.686 of 2020 on the file of the VI Additional Family Court, Chennai and it is pending and there is absolutely no demand of dowry. He further submitted that the petitioners are aged persons and they have not committed any offence as alleged by the prosecution. 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 totally there are three accused in this case, in which, the petitioners have been arrayed as A2 and A3. Though the petitioners herein are the parents of A1, they are also responsible for having driven out the defacto complainant from the matrimonial home by demanding huge dowry.

6. It is seen that totally there are three accused, in which, the petitioners have been arrayed as A2 and A3. Admittedly, the first accused got married the defacto complainant on 10.11.2019 and she was taken by the first accused to USA. Thereafter, due to family dispute between them as such she left the abroad and went to her parental house. Thereafter, the first accused has filed a divorce petition and the same is pending. It is also seen that the marriage between the first accused and the defacto complainant was not consummated. Insofar as the petitioners are concerned, they are parents of the first accused and there is no demand of dowry from the petitioners.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioners are parents of the first accused and there is no demand of dowry from the defacto complainant, 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 Judicial Magistrate, 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 petitioners 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/-
23/11/2020

**(*) Amended as per order of this Court
dated 02/03/2021 in CRL.MP(MD) No.1782/2021
in CRL OP(MD) No.12213 of 2020 by MNKJ.**

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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

(*) To be substituted with the order dated 09/12/2020 already despatched.

1. THE JUDICIAL MAGISTRATE, THOOTHUKUDI.



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

3.THE SUB INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI.

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

+1cc Mr.A.Syed Abdul Kather, Advocate Sr.No.1653

ORDER

IN

CRL OP(MD) No.12213 of 2020

Date :23/11/2020

vsg

TK/PN/SAR.4/04.12.2020/4P/5C

NR/PN/SAR-III(10.03.2021) 4P:6C