



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

Date : 04/11/2020

PRESENT

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

CRL OP(MD). No.12103 of 2020

1.Baluchamy @ Bala  
2.Deivanai  
3.Shanmugavel  
4.Vinopriya @ Vino  
5.Vasuki  
6.Annakarnan

... Petitioners/Accused Nos.1 to 6

Vs

The State rep.by  
The Inspector of Police,  
All Women Police Station,  
Rameswaram, Ramanathapuram District.  
Crime No.03 of 2020.

... Respondent/Complainant

For Petitioners: Mr.M.Kannan, Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.03 of 2020 on the file of the respondent police.

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

The petitioners are the apprehending arrest at the hands of the respondent police for the offences punishable under sections 498 (A) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.03 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons demanded more dowry from the defacto complainant and the same was refused by her, the petitioners assaulted the defacto complainant and criminally intimidated her. Hence, the 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 petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the defacto complainant and the 1<sup>st</sup> petitioner are the husband and wife. They got married in the year 2016 and they have no issues. Hence, they went for medical advise and as per the advise of doctor, the defacto complainant did not take medicine properly. Due to which, a wordy quarrel arose between the 1<sup>st</sup> petitioner and the defacto complainant. Subsequently, the defacto complainant has driven out of the matrimonial home. Thereafter only the 1<sup>st</sup> petitioner has filed a petition in H.M.O.P.No.214 of 2019 before the Sub Court, Ramanathapuram, for divorce. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioners are arrayed as A1 to A6. The petitioners along with other accused persons demanded more dowry from the defacto complainant and the same was refused by her, the petitioners assaulted the defacto complainant and criminally intimidated her. He further submitted that the 1<sup>st</sup> petitioner and the defacto complainant are the husband and wife. They have no issues. In such circumstance, the defacto complainant was driven out of the matrimonial home. Thereafter, the 1<sup>st</sup> petitioner got married A7. Hence, he opposed to grant anticipatory bail to the petitioners.

6.It is seen that there was quarrel between the 1<sup>st</sup> petitioner and the defacto complainant with regarding to no issues. The 1<sup>st</sup> petitioner is the husband of the defacto complainant. The petitioners 2 to 6 are in-laws of the defacto complainant. The defacto complainant has driven out of the matrimonial home in the month of February 2019 and also lives with her parent. Almost after a year, she lodged a complaint as against the petitioners.

7.Considering the above facts and circumstances, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Rameswaram, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



(b)the 1<sup>st</sup> petitioner shall report before the respondent police daily at 10.30. a.m without fail for a period of four weeks and thereafter, as on 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
04/11/2020

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

+1 CC to M/s.M.KANNAN, Advocate ( SR-7318[I] dated 05/11/2020 )

ORDER IN  
CRL OP(MD) No.12103 of 2020  
Date :04/11/2020

dss

<https://hccr.certh.gov.in/hccr-services/1.2020/3P/6C>