



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

Date : 02/11/2020

PRESENT

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

CRL OP(MD). No.12037 of 2020

1.Poomurugan
2.Ariavel
3.Chellapandi

... Petitioners/Accused
No.1 to 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
Crime No.20 of 2020

... Respondent/Complainant

For Petitioners: Mr.D.Senthil,
Advocate.

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

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

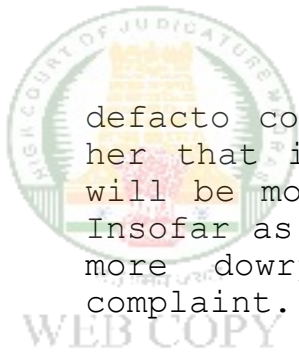
PRAYER :-

For an Anticipatory Bail in Crime No.20 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 323, 354(A)(1)(iv) and 506(i) of IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 67 of Information Technology Act, in Crime No.20 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the second and third petitioners are the father-in-law and mother-in-law of the defacto complainant respectively. The first petitioner got married the defacto complainant on 28.08.2020. Thereafter, he compelled the



defacto complainant to watch Pornography movie and also threatened her that if she has not cooperated these kinds of sex, her photo will be mobbed into pornography and published in the social media. Insofar as the petitioners 2 and 3 are concerned, they have demanded more dowry from the defacto complainant. Hence, the present 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 first petitioner is working as a Scientist in IIT and he is very respectful person. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Insofar as the other petitioners are concerned, they have never demanded any dowry from the defacto complainant. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that first petitioner got married the defacto complainant on 28.08.2020. Thereafter, he compelled the defacto complainant to watch Pornography movie and also threatened her that if she has not cooperated these kinds of sex, her photo will be mobbed into pornography and published in the social media and the petitioners 2 and 3 have demanded more dowry from the defacto complainant. He further submitted that the custodial interrogation of the first petitioner is very much required, since it is very serious crime.

6. Considering the facts and circumstances of the case and also considering the rival submissions made on either side that the first petitioner harassed the defacto complainant and the allegations are very serious in nature, in view of the above circumstances, I am not inclined to grant anticipatory bail to the first petitioner.

7. Hence, this Criminal Original Petition is dismissed in respect of the first petitioner.

8. Insofar as the petitioners 2 and 3 are concerned, there is no serious allegation against them. Considering the above facts and circumstances of the case and also considering the rival submissions, I am inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

9. Accordingly, the petitioners 2 and 3 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, Paramakudi, on condition that the petitioners 2 and 3 shall execute a bond for a

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 2 and 3 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 2 and 3 shall report before the respondent police as and when required for interrogation.

(c) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 2 and 3 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/11/2020

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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,
PARAMAKUDI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DISTRICT.



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.12037 of 2020
Date : 02/11/2020

VSG
TK/VR/SAR.3/06.11.2020/4P/5C