



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/11/2020

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PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD).No.13098 of 2020

1.Hemachandran
2.Subbramani
3.Kavipriya

... Petitioners/Accused Nos.1 to 3

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar.
Cr.No.16 of 2020.

... Respondent/Complainant

For Petitioners : Ms.R.Mahalakshmi,
Advocate.

For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 506(ii) IPC and Section 4 of Dowry Prohibition Act, in Crime No.16 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant got with the first petitioner and after marriage, the defacto complainant had faced dowry harassment and she was chased out of her matrimonial home on 10.12.2019. The petitioners have harassed the defacto complainant and intimidated through various phone messages. Hence the case has been registered.



3.The learned counsel appearing for the petitioners submitted that after registering the case the parties agreed to settle the issues. During the said process the petitioners handed over the articles which belongs to the defacto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that some more gold jewelry is yet to be returned by the petitioners to the defacto complainant.

5.The fact remains that the case has already registered and investigation is in progress. The offence if any committed cannot be contended even in any matrimonial issues. Settling the issues between the parties is one aspect of the matter and the State is concerned they are bound to conduct investigation and find out the truth and proceed with the case in accordance with law. In view of the fact that parties have made an attempt to settle the matter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Mahila Court, Srivilliputhur, 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 daily at 10.00 a.m. without fail for a period of two weeks and thereafter 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



(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/11/2020

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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 JUDGE,
ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13098 of 2020
Date :19/11/2020

VSD
TE/AKM/SAR-II : 24/11/2020 : 3P/4C