



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

Date : 23/11/2020

PRESENT

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

CRL OP(MD) . No.13198 of 2020

1. Vivekanandakumaran
2. Rajagopal
3. Rajalakshmi
4. Poonkodi

... Petitioners/Accused 1 to 4

Vs

The Inspector of Police,
All Women Police Station,
Dindigul
Dindigul District.
Crime No.15/2020.

... Respondent/Complainant

For Petitioners: Mr.A.Sivasubramanian,
Advocate.

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

For Intervener : Mr.S.Sarvagam Prabhu
Advocate

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

PRAYER :-

For an Anticipatory Bail in Crime No.15 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 498(A) and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.15 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first petitioner. The first petitioner and the defacto complainant loved each other and performed Register Marriage on 30.11.2015. Out of their wedlock, they were blessed with two children. Thereafter, the first petitioner is having illegal relationship with other women. When the same was questioned by the defacto complainant, there was a wordy quarrel between the first



petitioner and the defacto complainant, in which, the petitioners abused the defacto complainant by using filthy language and also harassed her and demanded dowry. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.

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3. Heard the learned counsel appearing for the petitioners and the intervener/defacto complainant 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 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 the first petitioner is having illegal relationship with other women. When the same was questioned by the defacto complainant, there was a wordy quarrel between the first petitioner and the defacto complainant, in which, the petitioners abused the defacto complainant by using filthy language and also harassed her and demanded dowry. Hence, the crime has been registered against the petitioners.

6. Considering the facts circumstances and also considering the fact there is a matrimonial dispute between the first petitioner and the defacto complainant and there is no serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Additional Mahila Court, Dindigul, 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 1 and 2 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. Further, the petitioners 3 and 4 shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness service court in his 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.

8. The first petitioner(A1) and his wife/defacto complainant are directed to appear before the District Mediation and Conciliation Centre, Dindigul District, for amicable settlement on 30.11.2020.

sd/-

23/11/2020

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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 ADDITIONAL MAHILA JUDGE, DINDIGUL

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DINDIGUL, DINDIGUL DISTRICT

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

COPY TO : THE OFFICER INCHARGE,
DISTRICT MEDIATION AND CONCILIATION CENTRE,
DINDIGUL DISTRICT.

ORDER

IN

CRL OP(MD) No.13198 of 2020

Date : 23/11/2020

VSG

PK/JC/SAR-II/26.11.2020 : 3P/5C

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