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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.13278 of 2020

1. Selvanayagam
2. Parameswari
3. Pandithurai

... Petitioners/Accused No.2 to 4

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.
Crime No.50/2020.

... Respondent/Complainant

For Petitioners : Mr.S.Rajeshkanna,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.50 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406 and 506(i) of IPC, in Crime No.50 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Totally there are four accused in this case. A1 is the husband of the defacto complainant and the petitioners are in-laws of the defacto complainant. The case of the prosecution is that the marriage between the defacto complainant and A1 took place in the year 2016, at that time, the parents of the defacto complainant has given a sufficient dowry. Thereafter, A1 and the petitioners said to have demanded dowry from the defacto complainant and also harassed



her and driven her out from the matrimonial home. Hence, the present complainant.

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 not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are only in-laws and the main allegations is only against A1. Hence, they seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police opposing this bail application by submitting that the petitioners demanded dowry from the defacto complainant and also harassed her and driver her out from the matrimonial home.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners are only in-laws and the main allegations is only against A1 and there is no serious allegations 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 (Magistrate Level), Madurai, 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



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

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 JUDGE,
ADDITIONAL MAHILA COURT (MAGISTRATE LEVEL),
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.RAJESHKANNAN, Advocate (SR-7691[I] dated 26/11/2020)

ORDER
IN
CRL OP(MD) No.13278 of 2020
Date :23/11/2020

VSG
TE/SMA/SAR-II : 26/11/2020 : 3P/6C