



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

Date : 26/11/2020

PRESENT

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

CRL OP(MD). No.13432 of 2020

1. Raja
2. Ganesh,
3. Rani

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station
Pudukottai, Tuticorin District.
Crime No.13/2020

... Respondent/Complainant

For Petitioners : Mr.C.Susi Kumar,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :- For anticipatory Bail in Crime No.13/2020 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), 294(b), 323 and 506(ii) of IPC, in Crime No.13 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Totally there are three accused in this case. The first petitioner is the husband of the defacto complainant and the petitioners 2 and 3 are father-in-law and mother-in-law of the defacto complainant. The case of the prosecution is that the marriage between the defacto complainant and the first petitioner took place in the year 2018, at that time, the parents of the defacto complainant has given a sufficient dowry. Thereafter, 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 absolutely there is no demand of dowry and all the allegations are false. Hence, he prayed for grant of anticipatory bail to the petitioners.

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 driven her out from the matrimonial home.

6. Considering the facts and circumstances of the case and also considering the fact that there is no serious allegations against the petitioners and there is no demand of dowry, 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 learned Judicial Magistrate No.IV, Tuticorin, 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 first petitioner 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 2 and 3 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 5560]; and;

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

sd/-
26/11/2020

/ 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 NO.IV, TUTICORIN.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
PUDUKOTTAI, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13432 of 2020
Date : 26/11/2020

MS/PN/SAR-4/03.12.2020/3P.5C