



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

Date : 03/12/2020

PRESENT

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

CRL OP(MD) . No.13903 of 2020

1. Selvakumar
2. Chellan @ Chinnappan
3. Palaniyammal

... Petitioners/Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District
Crime No. 22/2020.

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.22 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 417 and 506(i) of I.P.C., and Sections 4 of Tamilnadu Dowry Prohibition Act and 4 of Tamilnadu Prohibition of Women Harassment Act, 1998, in Crime No.22 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.04.2020 the first petitioner has performed betrothal with the defacto complainant's daughter and fixed date for marriage to be held on 23.08.2020. pursuant to the said betrothal, the defacto complainant has distributed the marriage invitations to his relatives. While being so, all of a sudden the petitioners had stopped the marriage and also demanded more dowry from the defacto complainant to marry his daughter. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that due to various reasons the first petitioner did not like the defacto complainant's daughter and as such the marriage has been stopped. 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 submitted that the engagement was performed between the first petitioner and the defacto complainant's daughter on 26.04.2020. Thereafter, the first petitioner refused to marry the victim and also demanded more dowry.

6. On perusal of the records, it is seen that after engagement between the first petitioner and the defacto complainant's daughter, the petitioner refused to marry the defacto complainant's daughter.

7. Considering the above circumstances and also considering the fact there is no demand of dowry, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to jointly pay a sum of Rs.1,00,000/- to the defacto complainant and on such payment, 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, Manapparai, 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 10.30 a.m 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;

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(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/-
03/12/2020

/ 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, MANAPPARAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MANAPPARAI,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13903 of 2020
Date : 03/12/2020

VSG
PK/AKM/SAR-II/10.12.2020 : 2P/5C