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

Date : 16/12/2020

PRESENT

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

CRL OP(MD) No.13996 of 2020

1. Joel J Vasanth
2. V.Joseph Augustine
3. M.Lourdes Mary

... Petitioners/Accused No.1to3

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
Crime No.54 of 2020.

... Respondent/Complainant

Jeya Priya

...Petitioner/Intervener
(in CRL MP(MD) No.7166/2020
in CRL OP(MD) No.13996/2020)

For Petitioners: Mr.R.J.Karthick,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Criminal Side)

For Intervener : Mr.M.P.Senthil
Advocate

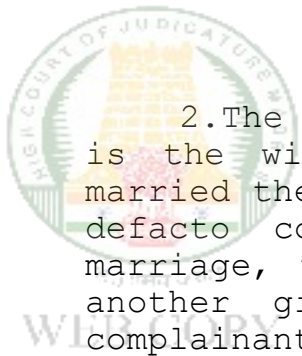
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For an Anticipatory Bail in Crime No.54 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) and 406 of IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.54 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 got married the defacto complainant and at that time, the parents of the defacto complainant have given a sufficient dowry. After the marriage, the first petitioner is having illegal relationship with another girl. 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 first petitioner abused the defacto complainant by using filthy language and also harassed her and thereafter, driver her out from the matrimonial home. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the defacto complainant has suspected the character of the first petitioner, due to which, there was a wordy quarrel between the petitioner. He further 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 (Criminal Side) appearing for the respondent Police submitted that The first petitioner got married the defacto complainant and at that time, the parents of the defacto complainant have given a sufficient dowry. After the marriage, the first petitioner is having illegal relationship with another girl. 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 first petitioner abused the defacto complainant by using filthy language and also harassed her and thereafter, driver her out from the matrimonial home.

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 (Magistrate Level), Nagercoil, 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 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;

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(b)the first petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation. Further, petitioners 2 and 3 shall report before the respondent 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.

8.The first petitioner(A1) and his wife/defacto complainant are directed to appear before the District Mediation and Conciliation Centre, Kanyakumari District, for amicable settlement on 06.01.2020.

sd/-
16/12/2020

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/ /2021
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),
NAGERCOIL.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER IN CHARGE,
DISTRICT MEDIATION AND CONCILIATION CENTRE,
KANYAKUMARI DISTRICT.

+1. CC to M/S.R.J.KARTHICK, Advocate (SR.No.8262 dated 16/12/2020)

ORDER

IN

CRL OP(MD) No.13996 of 2020

Date :16/12/2020

VSG

SRS/SMA/SAR-IV/06.01.2021/4P/7C