



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

Date : 15/12/2020

PRESENT

The Hon'ble Mr.Justice S.M. SUBRAMANIAM

CRL OP(MD). No.14649 of 2020

1.Samayan
2.Panchavarnam
3.Muthukumar
4.Karthikeyan

... Petitioners/Accused
No.2,3,4,5

Vs

1.The State rep.by
The Sub-Inspector of Police,
All Women Police Station,
Thiruparankundram, Madurai District.
Crime No. 29 of 2020

...Respondent/Complainant

2.Pandiselvi

... Respondent/Defacto Complainant

For Petitioners : Mr.S.Muniyandi,
Advocate.

For R1 : Mrs.M.ANANTHA DEVI
Government Advocate (Crl. Side)

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

PRAYER :-

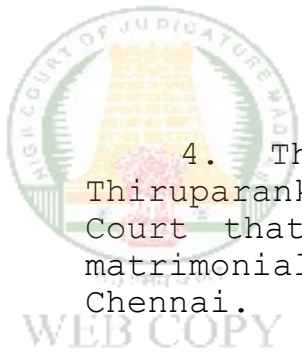
For Anticipatory bail in Crime No. 29 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(B) of IPC., and Section 4 of Dowry Prohibition Act, 1961, in Crime No.29 of 2020, on the file of the respondent police, seek anticipatory bail.

3. The petition for anticipatory bail is filed by the Accused Nos.2 to 5. This Court passed an order on 14th December, 2020, directing the Respondent Police to explain why there is a delay in initiating action against the accused persons.



4. The Inspector of Police, All Women Police Station, Thiruparankundram, Madurai, appeared in person and informed this Court that the first accused is not interested in resuming the matrimonial home and over phone he informed that he is now in Chennai.

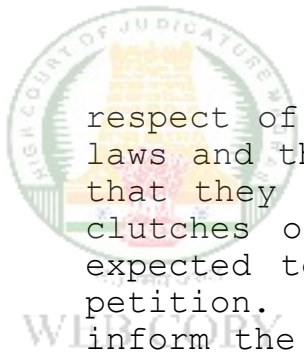
5. Perusal of the First Information Report reveals that the marriage between the defacto complainant and the first accused was solemnized in the year 2017 and out the wedlock, a female child born. It was a love marriage and now, after the birth of a female child, the defacto complainant has given a complaint stating that the accused persons are jointly harassing her and not even maintaining the defacto complainant as well as the child. The Inspector of Police made an attempt for re-union and even during the counselling, the first accused has not shown any interest for re-union and now he is residing at Chennai.

6. A trend of discarding the wife as well as the child by the spouses can never be encouraged by the Courts. The allegations set out in the First Information Report reveals that there was a consistent harassment by the accused persons, as A2 to A5 were also not recognized the defacto complainant, in view of the fact that it was a love marriage. However, all these factors are to be investigated by the Respondents Police.

7. The defacto complainant is unemployed and there was a demand of dowry by the accused persons. Such attitude of the spouses can never be encouraged and suitable actions are certainly warranted. The attempt made by the Respondent Police for conciliation also failed. Thus, the respondents are duty bound to initiate appropriate actions against all the accused persons, by conducting proper investigation.

8. The anticipatory bail petition is filed curiously only for Accused Nos.2 to 5, who all are in-laws. The first accused has not filed any petition for anticipatory bail. Undoubtedly, it is a tactics and trick played by the petitioners and by obtaining an anticipatory bail for the in-laws, the first accused can get anticipatory bail, who is the husband of the defacto complainant. Working out the legal remedy in such a way in order to get an anticipatory bail for such accuseds can never be accepted by the Courts. In normal circumstances, whenever an anticipatory bail petition is filed, the family members will file together. Here, the 1st petitioner / A2 is none other than the father of the first accused; 2nd petitioner / A3 is the mother of the first accused and the other two petitioners viz., A4 and A6 are brothers of the first accused.

9. Considering the relationship between the accused persons and
<https://hcservices.mca.gov.in/hcservices/> which the anticipatory bail petition is filed only in



respect of A2 to A5 reveals that get an anticipatory bail for in-laws and thereafter, file a petition for anticipatory bail to A1 so that they can secure anticipatory bail in order to escape from the clutches of investigation and custodial interrogation. Courts are expected to be cautious while dealing with such anticipatory bail petition. The learned Public Prosecutors are also duty bound to inform the Courts regarding these kind of tactics or tricks adopted by the accused persons before the High Court. Application of mind prudent dealing of bail petitions are undoubtedly require for a Public Prosecutor. They are bound to assist the Court in this regard also. Accused persons always take an attempt to escape from the clutches of Law. However, the Law Enforcing Agency as well as Prosecutors are bound to understand the nuances of Law and place the correct facts and implications before the Courts, enable t he Courts to decide the matter in the interest of justice and public at large.

10. This Court is of the considered opinion that the allegations levelled against the accused persons are serious, including A1. Accused No.1 is now residing in Chennai, as per the information gathered by the Respondent Police. Thus, the respondent Police is bound to act swiftly and prosecute the offenders by following the procedures and in accordance with law.

11. With these observations and directions, the anticipatory bail petition stands dismissed.

sd/-
15/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPARANKUNDRAM, MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14649 of 2020
Date :15/12/2020

MPK
TK/VR/SAR.3/18.12.2020/3P/3C