



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

Date : 11/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.14614 of 2020

WEB COPY

1. Ramesh
2. Mariyammal

... Petitioners/Accused Nos.1 & 2

Vs

The State rep by
Inspector of Police,
All Women Police Station, Palani,
Crime No.21/2020,
Dindigul District.

... Respondent/Complainant

For Petitioners: M/s.K.Balasubramani,
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.21/2020 on the file of
the Respondent police.

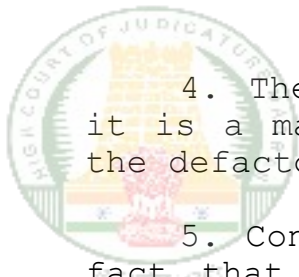
ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 498(A)
and 406 of I.P.C. and Section 4 of Dowry Prohibition Act, in Crime
No.21 of 2020 on the file of the respondent police, seek
anticipatory bail.

3. The case of the prosecution is that the marriage between the
first petitioner and the defacto complainant was solemnized on
29.09.2018. The petitioner was jobless and he is not having own
house. Hence, he demanded dowry from the defacto complainant.
Hence, a case has been registered.

4. The learned counsel for the petitioners submitted that the
defacto complainant was sent out of the matrimonial house in the
month of January 2019. Thereafter, the defacto complainant lodged a
complaint and the same was enquired into and during mediation, the
defacto complainant was asked to live with the first petitioner in a
separate house. Since, the defacto complainant denied the same, the
first petitioner filed divorce petition. Hence, a false complaint
has been foisted against the petitioners.



4. The learned Government Advocate (Crl. Side) submitted that it is a matrimonial issue and the petitioners demanded dowry from the defacto complainant's family.

5. Considering the facts and circumstances of the case and the fact that the custodial interrogation of the petitioners is not necessary, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Palani, and on their executing 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. The second petitioner 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;

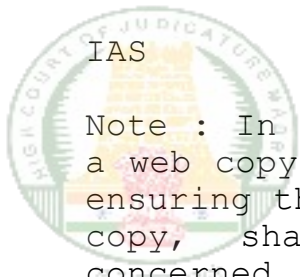
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11.12.2020

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



IAS

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.

WEB COPY

TO

1. The Judicial Magistrate, Palani.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.14614 of 2020
Date : 11/12/2020

VB RSK SAR 2 (17.12.2020) 3P 5C