



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

Date : 15/12/2020

PRESENT

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

CRL OP(MD) . No.14774 of 2020

1. Mariappan
2. Mahendran
3. Paramasivan
4. Krishnammal
5. Chandrasekaran
6. Umamaheswari
7. Manimala
8. Veeramanikandan

... Petitioners/Accused Rank Not Known

Vs

State through,
The Inspector of Police,
All Women Police Station,
Virudhunagar Dist
Crime No.10 of 2020.

... Respondent/Complainant

For Petitioners: Mr.S.Selvakumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners 1, 2, 3, 5 and 6/A1, 2, 4, 5 and 3 and the
petitioners 4, 7 and 8, who are arrayed as Accused No.Rank Not
Known, apprehending arrest at the hands of the respondent police for
the offences punishable under sections 498(A) and 506(i) of IPC, in
Crime No.10 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 and other petitioners are in-
laws of the defacto complainant. Suppressing the earlier marriage,



the first petitioner has married the defacto complainant. When the same was questioned by the defacto complainant, the petitioners said to have abused the defacto complainant by using filthy language and also demanded more dowry and threatened her with dire consequences. Hence, the present complaint.

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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 there is no other serious allegation against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioner.

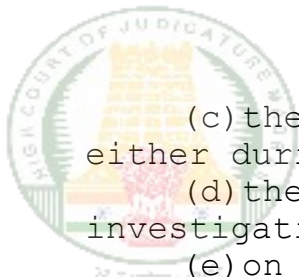
5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that Suppressing the earlier marriage, the first petitioner has married the defacto complainant. When the same was questioned by the defacto complainant, the petitioners said to have abused the defacto complainant by using filthy language and also demanded more dowry and threatened her with dire consequences. Hence, he opposed this petition.

6. Considering the above facts and circumstances of the case and the fact that it is matrimonial dispute and there is no other 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 Judicial Magistrate Court, Virudhunagar, 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 four weeks and thereafter, as and when required for interrogation. Further, the petitioners 2 to 8 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/-

15/12/2020

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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, VIRUDHUNAGAR
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14774 of 2020

Date :15/12/2020

VSG

PK/JC/SAR-II/18.12.2020 : 3P/5C