

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.3881 of 2021

1. M.Suresh
2. M.Murugesan
3. M.Sevli

... Petitioners

Vs.

The State rep by its
The Inspector of Police,
Vazhapady All Women Police Station,
Salem District.
(Crime No.18 of 2021)

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge on bail to the petitioners in event of arrest in connection with Crime No.18 of 2021 on the file of the respondent police.

For Petitioners: Mr.E.C.Ramesh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294-B, 323, 498-A 506(ii) of IPC r/w Section 4 of Women Harassment Act in Crime No.18 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the second and third petitioners are in-laws of the defacto complainant. The petitioners herein abused and assaulted the defacto complainant and demanded dowry from her and threatened with dire consequences. Hence, the case was registered against the petitioners on the complaint made by the defacto complainant.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that at the time of marriage, the 1st petitioner has 18 years old and the defacto complainant's age has 21 years. As per

Hindu Marriage Act, male attained 21 years than only, he is eligible person for getting the marriage, at the time of marriage, the first petitioner has only 18 years old. Therefore, the marriage between the first petitioner and the defacto complainant is invalid. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to dowry demand, there are some differences between the spouses, owing to which, the husband/first petitioner and his family members abused and assaulted the defacto complainant and demanded dowry from her and threatened with dire consequences. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Since the dispute was between the warring spouses, considering the fact that there is a possibility of amicable settlement, this Court referred the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, Chennai - 600 104. The parties were directed to appear before mediation centre, but inspite of efforts, no settlement was arrived between the parties and hence the matter has been posted before this Court. In view of the fact that no settlement could be reached between the parties and further taking into consideration that the complaint is on the basis of a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Cum Munsif, Vazhapady on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or 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 Court concerned 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;

(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/-

21/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE CUM
JUNSI, VAZHAPADY

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VAZHAPADY ALL WOMEN POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO:-

THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

CC to M/S.E.C.RAMESH Advocate on payment of necessary charges

CRL OP.3881/2021

Date :21/06/2021

RVR 12/07/2021