



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

The Hon'ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20960 of 2021

1 MURUGANANDAM
2 SELVARASU
3 MALLIGA
4 SIVANANDAM

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR 621704.
(CRIME NO.41/2021)

[RESPONDENT]

For Petitioner : M/S.U.VINOTHKUMAR Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 498(A) and 506(ii) of Indian Penal Code and Sec.4 of Dowry Prohibition Act and Sec.4 of Tamilnadu Prohibition of Harassment of Woment Act in Cr.No.41 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was performed between the first petitioner and the defacto complainant in the year 2013 and thereafter, the petitioners demanded dowry from the defacto complainant and harassed her. Hence, the defacto complainant lodged a complaint against the petitioners.

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 the marriage was performed between the defacto complainant and the first petitioner in the year 2013 and due to some misunderstanding, they were living separately for past 7 ¼ years. Hereafter, the defacto complainant's mother's sister came to the



house of the petitioners and had panchayat in order to grab the property of the first petitioner subsequently, the defacto complainant lodged a false complaint against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

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4. The learned Public Prosecutor appearing for the respondent submits that the first petitioner and the defacto complainant were living separately and when the defacto complainant took steps for re-union, the petitioners levelled false allegation against the defacto complainant and demanded dowry from her for which the defacto complainant lodged a complaint against the petitioners. Thereafter, on behalf of petitioner/A-1, this counsel gave a notice and which was suitably replied by the defacto complainant. As there is no possibility of settlement, the defacto complainant lodged this present complaint. He further submits that the petitioner/A-1 has also not taken any steps for re-union for the past 7 ¼ years and only simply thrown allegation against the defacto complainant that she left the matrimonial home and developed illegal intimacy with another boy but there is no proof for such allegation. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

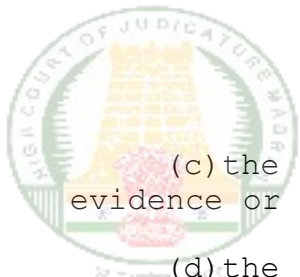
5. Considering the nature of the allegation levelled against the petitioner/A-1, this Court is not inclined to grant anticipatory bail to the petitioner/A-1 and this petition stands dismissed with regard to petitioner/A-1 and considering the other petitioners are only in-laws, this Court is inclined to grant anticipatory bail to the petitioners/A-2, A-3 and A-4 with certain conditions.

6. In view of the facts and considering the nature of the family issue between the parties, this Court directs petitioner/A-1 to go for mediation with the defacto complainant at Mediation and Conciliation Centre, Ariyalur District through legal services for three sittings.

7. Accordingly, the petitioners/A-2, A-3 and A-4 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 District Munsif Cum Judicial Magistrate, Sendurai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners/A-2, A-3 and A-4 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/A-2, A-3 and A-4 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/A-2, A-3 and A-4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners/A-2, A-3 and A-4 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/-

08/11/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SENDURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR-621704

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.U.VINOTHKUMAR Advocate on payment of necessary charges

CRL OP.20960/2021

Date :08/11/2021

CSK 16/11/2021