



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

Date : 07/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.140 of 2021

1.Rajesh
2.Sethuramanujam

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Sattur,
Virudhunagar District.
Crime No. 6 of 2020.

... Respondent/Complainant

For Petitioners : Mr.N.Mohideen Basha,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate(Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.6 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
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 498(A),
406 IPC and Section 4 of Dowry Prohibition Act, 1961.

3.The case of the prosecution is that the the petitioner
and the defacto complainant are husband and wife. The petitioner is
working in Army. Out of the wedlock, they got two children. The
petitioner demanded dowry from the defacto complainant and she also
arranged Rs.2,00,000/- from her parents. Further the petitioner
pledged 30 sovereigns jewels of defacto complainant in IOB Bank in
his father's name.

<https://hservices.courts.gov.in/hservices/>



4.The learned counsel for the petitioners would submit that since the 1st petitioner is working in Army, taking advantage of that the defacto complainant developed illicit intimacy with her school friend Manoharan and the complaint given by the 1st petitioner with Additional Superintendent of Police, Virudhunagar is still pending. The petitioners are innocent and they have been falsely implicated in this case.

5.The learned Government Advocate(Crl.side) would submit that the issue involved in this case is a matrimonial dispute. The defacto Complainant/wife filed HMOP No.49 of 2020 before the Subordinate Court, Sattur. The children are staying with the wife. The defacto complainant is referring the complaint given by the husband.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the issue involved in this case is with regard to the matrimonial issue, 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sattur, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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 petitioners 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**



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

sd/-
07/01/2021

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WEB COPY

/ /2021

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

ORDER
IN
CRL OP(MD) No.140 of 2021
Date : 07/01/2021

VRN
TK/PN/SAR.1/11.01.2021/3P/5C