



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.613 of 2021

1. S.Suresh
2. R.Simon
3. S.Vasuki
4. S.Gomathi

... Petitioners/Accused
No.1 to 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District
(in Crime No.2 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Sankararamasubramanian.A,
Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Intervenor : M/s.Soundarya, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.2/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Sections
406 and 498-A of IPC and Section 4 and 6 of Dowry Prohibition Act,
1961 in Crime No.2 of 2021 on the file of respondent police seek
anticipatory bail.



2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place on 23.05.2019. After the marriage, the petitioners and others demanded dowry from the defacto complainant and harassed her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners have not demanded any dowry as alleged by the prosecution, he is an innocent and he has been falsely implicated in this case. He further submitted that the first petitioner has filed a petition for restitution of conjugal rights in IDOP No.159 of 2020 before the Principal District Court, Tirunelveli.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the investigation is yet to be completed.

5.The learned counsel for the defacto complainant claimed that the jewels are still with the first petitioner and it has to be recovered.

6.Since the jewels are yet to be recovered, this Court is not inclined to grant anticipatory bail to the first petitioner and this criminal original petition is dismissed as against the first petitioner.

7.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners 2 to 4 and also the fact that the petitioners 2 to 4 are in-laws, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4.

8.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Padmanabhapuram, on condition that the petitioners 2 to 4 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

(a)the petitioners 2 to 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners 2 to 4 shall report before the respondent police as and when required for interrogation;

(c)the petitioners 2 to 4 shall not tamper with the evidence or witness either during investigation or trial;



(d) the petitioners 2 to 4 shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action against the petitioners 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 released on bail by the learned Judge/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 2 to 4 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
28/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

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 NO.I,
PADMANABHAPURAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.613 of 2021
Date : 28/10/2021