



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

Date : 08/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1043 of 2021

1.Karuppasamy
2.Balammal
3.Valarmathi

... Petitioners/Accused No.1 to 3

Vs

The State of Tamil Nadu,
Represented by,
The Sub Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.
Crime No.3 of 2021.

... Respondent/Complainant

For Petitioners: Mr.N.Dilip Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.3/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

In continuation to the earlier order passed by this Court on 25.01.2021, in which, the mediation has been conducted on 26.02.2021, during the mediation, the parties sought time for getting consultation with family elders and it was posted on 02.03.2021. On 02.03.2021, the mediation has been completed recorded that no agreement was reached.

2.The learned counsel appearing for the petitioners submitted that the first petitioner is willing to take back the defacto complainant. He further submitted that the first petitioner is working as Engineer in Larsen and Toubro Construction, Chennai. The marriage between the first petitioner and the defacto complainant had taken place during the month of May, 2020. After the marriage,



the first petitioner and the defacto complainant were living in Chennai as nucleus family. He further submitted that the second and third petitioners are parents of the first petitioner and they are residing in Madurai. He further submitted that the defacto complainant deserted and she is not willing to join with the first petitioner.

3.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the marriage between the first petitioner and the defacto complainant had taken place during the month of May, 2020 and thereafter, they lived as husband and wife only for short period. He further submitted that the defacto complainant lodged a complaint alleging that the petitioners were said to have harassed the defacto complainant and demanded more dowry from her. Due to which, the defacto complainant left the matrimonial home. He further submitted that mediation has also failed.

4.It is seen that the first petitioner and the defacto complainant were living in Chennai and due to some incomparability, they got separated and mediation has also failed and the second and third petitioners are living at Madurai.

5.Considering the facts and circumstances of the case and also considering the fact the defacto complainant is not willing to live with the first petitioner and there is no demand of dowry, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Additional Mahila Court, Magistrate Level, Madurai, 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 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 5560]; and;

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

sd/-

08/03/2021

/ TRUE 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 ADDITIONAL MAHILA JUDGE,
MAGISTRATE LEVEL, MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.DILIP KUMAR, Advocate SR.No.1978

ORDER

IN

CRL OP(MD) No.1043 of 2021

Date : 08/03/2021

VSG

PK/JC/SAR-III/11.03.2021 : 3P/6C

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