



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

Date : 03/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1267 of 2021

Gobi

... Petitioner/Accused No.1

Vs

State rep.by,
The Sub Inspector of Police,
All Women Police Station,
Musiri,
Trichy District.
In Crime No.19 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Thangapandian,
Advocate.

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

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

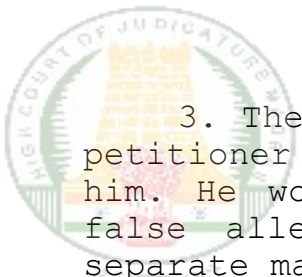
PRAYER :-

For Anticipatory Bail in Crime No.19 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 354, 354(A) (1) (i), 354(A) (1) (ii), 323, 201, 506(i) of IPC and Section 4 of TNPHW Act and Section 4 of D.P.Act seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 12.09.2019 and at the time of marriage 12 sovereigns of gold jewels and Rs.1,50,000/- household articles were given as dowry and thereafter the second and third accused demanded more dowry and started harassing the defacto complainant. The further allegation is that the father of the first accused mis behaved with the defacto complainant and when the same was informed to the first accused he did not enquire about the same, hence the defacto complainant left the home and thereafter the complaint has been given.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the defacto complainant is making false allegation against the petitioner in order to set up a separate matrimonial home.

WEB COPY

4. The learned Government Advocate(Crl.Side) would submit that the A1 is the husband, A2 is the father-in-law, A3 is the mother-in-law, A4 is the brother-in-law of the defacto complainant, A5 is the defacto complainant's husband's maternal uncle's wife and A6 is the wife of the fifth accused. All the accused persons harassed the defacto complainant demanding more dowry and A2 in this case mis - behaved with the defacto complainant. He would also submit that A2 in this case was arrested and remanded to judicial custody.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the prime accused/A2 in this case was arrested and remanded to judicial custody and the only allegation against the petitioner is that he did not question the activities of his father /A2 and except this no other allegations has been levelled against him, hence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, Trichy District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions



have been imposed and the petitioner 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/-
03/03/2021

/ 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 JUDICIAL MAGISTRATE, THURAIYUR,
TRICHY DISTRICT.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3.THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MUSIRI,
TRICHY DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.R.THANGAPANDIAN, Advocate SR.No.1718

ORDER
IN
CRL OP(MD) No.1267 of 2021
Date :03/03/2021

AAV
PK/JC/SAR-III/05.03.2021 : 3P/6C