



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.1518 of 2021

1. Dineshkumar
2. M. Tamilselvi
3. Mani
4. Suganya
5. Velmurugan

...Petitioners/Accused No.1 to 5

Vs

The Inspector of Police,
All Women Police Station,
Thilagarthidal,
Madurai City,
Cr No.1/2021.

... Respondent/Complainant

For Petitioners : M/s.T.Amjadkhan,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

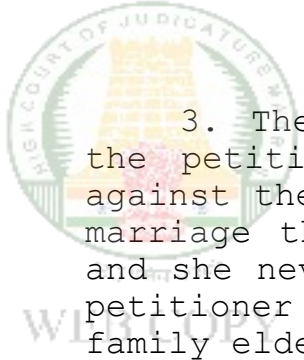
PRAYER :-

For Anticipatory Bail in Crime No. 1/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/Alto A5 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406, 294(b) and 506 (i) of IPC seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 11.06.2017 and thereafter the petitioners started demanding more dowry and harassed her. Subsequently the defacto complainant said to have given complaint dated 11.07.2019 through online to the police. Thereafter also the petitioners have not returned 30 sovereigns of gold jewels and her educational certificate. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against the petitioners. He would also submit that from the date of marriage the defacto complainant's behaviour was totally different and she never respected the elders in the family. Further the first petitioner had taken steps for reunion through relatives and the family elders and the same ended in vain. He would also submit that the first petitioner is the husband of the defacto complainant, second petitioner is the mother-in law, third petitioner is the father -in-law, fourth petitioner is the sister-in-law of the defacto complainant and the fifth petitioner is the husband of A4.

4. The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and the investigation is still pending.

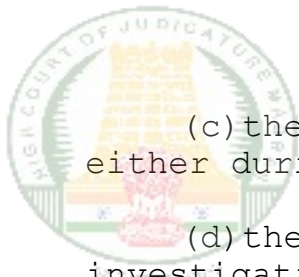
5. From the allegations made in the First Information Report, it is seen that the first petitioner has filed a petition for restitution of conjugal rights in HMOP No.133 of 2019 before the Family Court, Madurai. The defacto complainant has also filed a petition for divorce in HMOP No. 797 of 2019 before the Family Court, Madurai. She has also filed maintenance case in M.C.No. 113 of 2019 before the Family Court, Madurai seeking maintenance. It is seen that there were cases pending between the parties with regard to marital dispute.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute 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 fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Judicial 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders and the petitioners 2 to 5 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20.04.2021

/ TRUE COPY /

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

AAV

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 COURT,
JUDICIAL MAGISTRATE LEVEL, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGARTHIDAL, MADURAI CITY,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.1518 of 2021
Date : 20/04/2021