



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.1985 of 2021

1.S.SEENIVASAN @ SRINIVASAN

2.S.SUNDARARAJAN

3.S.SHANTHI

... PETITIONERS/ACCUSED No.1 to 3

VS

STATE REP. BY

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION,

TALLAKULAM,

MADURAI DISTRICT.

(IN CRIME NO.9 OF 2021)

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : MR.G.ANTO PRINCE, ADVOCATE

FOR RESPONDENT : MR.T.SENTHILKUMAR

GOVERNMENT ADVOCATE (CRL. SIDE)

FOR INTERVENOR : MS.THILAGA BALASUBRAMANIAN, ADVOCATE

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

PRAYER :-

For Anticipatory Bail in Crime no.9 of 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 offences punishable under Sections 498A and 406 of IPC in Crime No.9 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the second and third petitioners are the parents of the first petitioner. The marriage between the first petitioner and the defacto complainant was solemnized in the year 2016 and alleging that these petitioners had demanded dowry, the defacto complainant lodged this complaint.

3. Pending this application, the petitioners have offered to return the Sreedhana articles to the defacto complainant by letter



dated 07.04.2021 and therefore, the matter was referred to the Mediation. In the presence of the Mediator Mr.R.Anandharaj and Ms.Thilaga Balasubramanian, learned counsel for the defacto complainant, the petitioners appear to have returned 25 gold jewels and other silver articles to the defacto complainant.

4.Ms.Thilaga Balasubramanian, learned counsel for the defacto complainant submits that a sum of Rs.7,20,000/- was also given as dowry and it was not returned by the petitioners.

5. However, the above contention was disputed by Mr.G.Anto Prince, learned counsel for the petitioners. He would submit that this complaint was lodged under Sections 498A and 406 IPC. The first petitioner as well as the defacto complainant are Engineering Graduates and the first petitioner is working in abroad at Qatar. According to him, they lived together for a period of one week and thereafter, the first petitioner left to Qatar and the defacto complainant has been working in Bangalore. At the request of the defacto complainant, the first petitioner has resigned his job and returned to India and intended to establish his family at Chennai. However, since the defacto complainant insisted to live in Bangalore, there was difference of opinion.

6. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

7. Though this matter has been referred to Mediation Centre as well as to Mr.R.Anandharaj, Mediator, the parties have not resolved their dispute. Considering the nature of offence and the fact that the petitioners have returned the Sreedhana articles and jewels to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, 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 Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required, until further orders.

[c]the petitioners shall not tamper with the 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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

13/08/2021

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/ /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 COURT,
MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

MR.R.ANANDHARAJ,
MEDIATOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-5401[I] dated 16/08/2021)

ORDER

IN

CRL OP(MD) No.1985 of 2021

Date :13/08/2021