



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.2282 of 2021

1.D.Jegan
2.David
3.Elsi

... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
Crime No.64/2020

... Respondent/Complainant

S.Asha

... Petitioner/Intervener

In Crl MP(MD)No.1446/2021 in Crl OP(MD)No.2282/2021

For Petitioners : Mr.S.C.HEROLD SINGH
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

For Intervener : Mr.L.GEORGE PAUL ANTO, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.64 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 406, 417, 420, 498(A) and 506(ii) IPC and Sections 4 and 6 of Dowry Prohibition Act, in Crime No.64 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the de-facto complainant and the petitioners 2 and 3 are parents of the first petitioner. Due to matrimonial dispute between the first petitioner and the de-facto complainant, the petitioners harassed the de-facto complainant by demanding dowry, abused her in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.



4.The learned Government Advocate (Crl. Side) for the respondent submits that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 Additional Mahila Court, Nagercoil, 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 learned Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Judge/ 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 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;

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

sd/-

08/09/2021

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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 JUDGE,
NAGERCOIL.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1. CC to Mr.S.C.HEROLD SINGH, Advocate SR.No.6119

ORDER

IN

CRL OP(MD) No.2282 of 2021

Date:08/09/2021

SA/PN/SAR.3/22.09.2021/3P/5C