



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2912 of 2021

1. Krishnamoorthy
2. Saravanan
3. Muthulakshmi

... Petitioners/Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Pudukkottai, Thoothukudi District.
(Crime No.4 of 2021)

... Respondent/Complainant

For Petitioners: Mr.M.Murugesan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

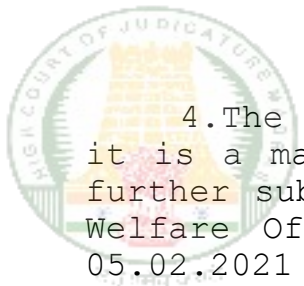
PRAYER :- For Anticipatory Bail in crime No.4 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), 323 of IPC and Section 4 of Dowry Prohibition Act and Section 4 Tamil Nadu Women Harassment Act, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein have demanded additional dowry and the petitioners have have abused the defacto complainant and also threatened her with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would further submit that the first petitioner is the husband and the petitioners 2 and 3 are the in-laws of the defacto complainant and only to harass the petitioners herein this false complaint has been lodged by the defacto



4.The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute between the family members. He would further submit that the enquiry was already conducted by the Social Welfare Officer, Thoothukudi and she has also given a report on 05.02.2021 stating that there have been some demand of dowry.

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5.It is seen that the first petitioner is presently working at Chennai as a Police Constable. The second petitioner is working at Thoothukudi Police Station as Special Sub-Inspector of Police and the third petitioner is the mother of the first petitioner and wife of the second petitioner. The marriage between the first petitioner and the de-facto complainant said to have taken place on 22.03.2019 and thereafter, both were living happily. After a year, there was some dispute between them, since the petitioners were making unreasonable claim. Further, the de-facto complainant's jewel has been pledged in the private Bank and the money had been taken away by the petitioners. Thereafter, the first petitioner has filed H.M.O.P.No.16 of 2021 before the Family Court, Thoothukudi. This Court had referred the matter before the Mediation and in the Mediation the first petitioner/A1 is not willing to live with the defacto complainant and the mediation efforts failed.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that after detailed mediation, the first petitioner / husband is not willing to live with the defacto complainant, this Court is not inclined to grant anticipatory bail to the first petitioner / husband and this petition is dismissed as against the first petitioner. In so far as the petitioners 2 and 3 are concerned, they are in-laws, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 and 3 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 Judicial Magistrate No.3, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two **common 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 2 and 3 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 2 and 3 shall report before the respondent police as and when required for interrogation.



(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 shall not abscond either during investigation or trial;

WEB COPY (e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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/-
23/03/2021

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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 JUDICIAL MAGISTRATE NO.3, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2912 of 2021
Date :23/03/2021

LS
MS/VR/26.03.2021/3P.5C

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