



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

Date : 29/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2936 of 2021

1. Prabhakar @ Prabhakaran
2. Perumal
3. Dhanalakshmi
4. Kumar

... Petitioners/Accused Nos.1 to 4

Vs

The State Rep. by
The Inspector of Police,
All Women police Station,
Theni, Theni District.
Crime No.1/2021.

... Respondent/Complainant

For Petitioners : Mr.Haroon Rasheed.D.S., Advocate.

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

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

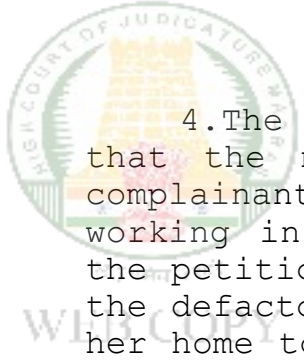
PRAYER :- For Anticipatory Bail in Crime No. 1/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 109 and 506(i) of IPC, in Crime No.1 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant got married the first petitioner, at that time, the parents of the defacto complainant has given sufficient dowry to the defacto complainant. After the marriage, the petitioners were said to have demanded additional dowry from the defacto complainant and also harassed her. Based on the complaint given by the defacto complainant, the case has been registered.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.



4. The learned counsel appearing for the petitioners submitted that the marriage between the first petitioner and the defacto complainant was solemnized on 29.11.2017. The first petitioner was working in Andhra Pradesh and the defacto complainant joined with the petitioner at Andhra Pradesh and they started their life. Since the defacto complainant felt home sick, she left Andhra and reached her home town, Dindigul. The first petitioner made several attempts to join with the defacto complainant. The petitioner has sent legal notice to the defacto complainant on 28.01.2021 seeking her to join with him and thereafter reply notice was sent by the defacto complainant on 03.02.2021 expressing her willingness to join with the petitioner. The petitioners 2 and 3 are the parents of the first petitioner and the fourth petitioner is the brother of the first petitioner, hence they may be granted anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a matrimonial dispute and mediation is failed.

6. On perusal of the materials available on records, It is seen that the petitioners 2 and 3 are the parents of the first petitioner and the fourth petitioner is the brother of the first petitioner. The marriage between the first petitioner and the defacto complainant had taken place on 29.11.2017. The first petitioner was working in Andhra Pradesh and the defacto complainant joined with the petitioner at Andhra Pradesh and they started their life. Since the defacto complainant felt home sick, he left the matrimonial home. Thereafter, the first petitioner has sent a legal notice seeking join with the defacto complainant and notice was received by her. Thereafter, the above case has been registered. It is also seen that this Court earlier referred the matter to the Mediation. From the mediation report, it is seen that no agreement was reached. Still now, the first petitioner is ready and willing to take the defacto complainant back their matrimonial home. But, the defacto complainant is not willing to join with the first petitioner before the mediation. Mediation failed.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/03/2021

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

ORDER

IN

CRL OP (MD) No.2936 of 2021

Date : 29/03/2021