



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

Date : 08/03/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD)No.3427 of 2021

1. Suresh
2. Suji
3. Saraswathy
4. Rajamani
5. Rajeshwari
6. Amalraj

... Petitioners/Accused No.1 to 6

Vs

State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Marthandam,  
Kanyakumari District.  
Crime No.14 of 2021.

... Respondent/Complainant

For Petitioners: Mr.N.Dilip Kumar,  
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.14 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 offences punishable under Sections 498(A), 406, 294(b), 506(ii) IPC and Sections 3(1), 4 and 6 of Dowry Prohibition Act, 1961 in Crime No.14 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife and their marriage was taken place on 27.05.2009 and they have two children. The other petitioners are in-laws of the defacto complainant and they have harassed the defacto complainant by demanding additional dowry. Hence, the present complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case of matrimonial dispute and investigation is pending.

5.It is seen that the marriage of the first petitioner and the defacto complainant was taken place on 27.05.2009 and they blessed with two children. Till January 2018 they have been lived together. Thereafter, due to some misunderstanding between them, they separated and now they are living separately. The first petitioner filed a petition in H.M.O.P.No.60 of 2019 seeking restitution of conjugal rights before the Subordinate Court, Kuzhithurai and the case was transferred to Family Court, Nagercoil and re-numbered as H.M.O.P.No.464 of 2020. The defacto complainant, after receiving notice from the Family Court, Nagercoil, had lodged the present complaint as a counter-blast.

6.In view of the above, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Kuzhithurai, 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:

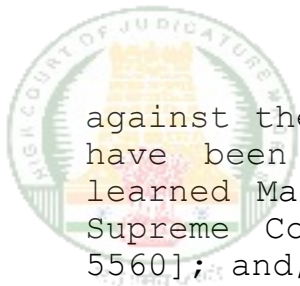
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall appear 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 concerned or the Judicial 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;

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

sd/-  
08/03/2021

/ 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 NO.I, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
MARTHANDAM,  
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-1979[I] dated 10/03/2021 )

ORDER  
IN  
CRL OP(MD) No.3427 of 2021  
Date :08/03/2021

GNS  
MS/VR/SAR-4/11.03.2021/3P.6C