



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

Date : 04.08.2021

PRESENT

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The Hon'ble Mr. Justice B. PUGALENDHI

CRL OP (MD) No. 3744 of 2021

1. I. Jesubalan
2. P. Innasimuthu
3. Sumathi

... Petitioners/Accused 1 to 3

Vs

1. The State Rep. by,
The Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District.
(Crime No.2 of 2021).

... 1st Respondent/Complainant

2. Dr. M. Kiruba

... 2nd Respondent/Defacto
Complainant

For Petitioners : Mr. R. Ganesh Prabu, Advocate for
Mr. S. Vanchinathan, Advocate

For Respondents : Mr. T. Senthilkumar,
Government Advocate (Crl. Side) for R1.
Mr. N. Balasubramanian, Advocate for R2.

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

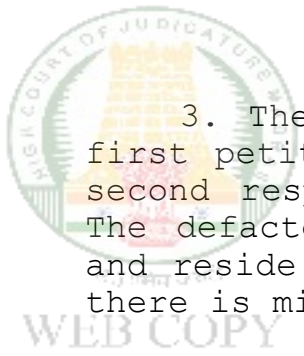
PRAYER :-

For Anticipatory Bail in Crime no.2 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 498(A), 406 and 506(1) of IPC in Crime No.2 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 09.09.2019 and the complaint has been lodged on 15.02.2021, alleging that after the delivery of a male child during April 2020, the petitioners are demanding dowry and are harassing her. Hence, the



3. The learned counsel for the petitioners submitted that the first petitioner is working as JCB operator at Thoothukudi and the second respondent/defacto complainant is a native of Rajapalayam. The defacto complainant is insisting the first petitioner to come and reside at Rajapalayam and he is not inclined to do so. Hence, there is misunderstanding between them.

4. The learned counsel for the defacto complainant submits that the matter has already been referred to the Mediation Centre and the matter is still pending there.

5. The learned Government Advocate (Criminal Side), on instructions, would submit that the investigation has been completed and they are awaiting the report of the Social Welfare Officer.

6. The first petitioner is the husband of the defacto complainant and the petitioners 2 and 3 are the first petitioner's parents. This Court by earlier order dated 12.03.2021, referred the matter to the Mediation Centre attached to this Court. From 12.03.2021, the matter is pending before the Mediation Centre attached to this Court and the parties have not solved the dispute amicably. Considering the nature of offence and the fact that the investigation has been completed, this Court is inclined to grant Anticipatory Bail to the petitioners.

7. The learned counsel for the petitioners submits that in view of the pandemic situation, it is difficult is very difficult for them to arrange separate sureties, since the entire family members are roped in as accused in this case.

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, Srivilliputhur, Virudhunagar District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two common sureties for a like sum 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 first petitioner shall report before the respondent Police every Monday at 10.30 am, until further orders. The petitioners 2 and 3 shall report before respondent police as and when required, until further orders.

[c]the petitioners shall not tamper with evidence or witness and shall not obstruct investigation or trial.

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[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/-
04/08/2021

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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 JUDGE,
ADDITIONAL MAHILA COURT, SRIVILLIPUTUR,
VIRUDHUNAGAR DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.3744 of 2021
Date :04/08/2021

mbi
USK/JC/SAR-III : 09/08/2021 : 3P/4C

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