



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

Date : 10/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3729 of 2021

1. S.Alaguraja
2. P.Solaimalai
3. S.Jeyarakku
4. S.Kowsalya

... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City.
Crime No.12 of 2021.

... Respondent/Complainant

For Petitioners : Mr.A.Sheik Nasurdeen,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.12 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A) and 406 of IPC seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 09.04.2017 and thereafter the petitioners started harassing the defacto complainant demanding more dowry. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that first petitioner is the son of the second and third petitioners and the fourth petitioner is the sister of the first petitioner.



4. The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and the investigation is still pending.

5. The marriage between the first petitioner and the defacto complainant was solemnized on 09.04.2017 and at the time of marriage the first petitioner was employed as Assistant Professor in Thiagarajar College Madurai and the defacto complainant is the B.T Assistant and out of their marriage they were blessed with twins. The first petitioner suffered epilepsy which was suppressed by the petitioners and thereafter the defacto complainant started neglecting him and started living with her parents. The father of the defacto complainant attacked the petitioner's family for which a case in Crime No.1554 of 2018 was registered for offences under Sections 147, 148, 294(b), 323,324 and 506(ii) of IPC and from the year 2018 they are living separately. The first petitioner has filed a petition for restitution of conjugal rights before the family court in HMOP No.1033 of 2018 and the said Court had directed the defacto complainant to join with the first petitioner by an order dated 05.03.2019. Thereafter too the defacto complainant has not joined the petitioner. Contrary to the same has filed the present petition to harass the petitioners.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

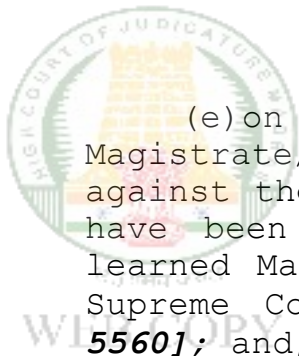
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai on condition that the petitioners shall execute a bond 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/03/2021

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

+1 CC to M/s.A.SHEIK NASURDEEN, Advocate (SR-2021[I] dated 11/03/2021)

ORDER
IN
CRL OP(MD) No.3729 of 2021
Date :10/03/2021

AAV
MS/PN/SAR-3/15.03.2021/3P.6C