



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.4144 of 2021

1. S.Surya
2. Pandiammal
3. Sundara Pandi
4. Suganya
5. Ragupathi

... Petitioners/Accused 1 to 5

Vs

The Inspector of Police,
All Women Police Station, Nilakkottai,
Dindigul District.
Crime No. 2 of 2021

... Respondent/Complainant

For Petitioners : Mr.D.Senthil,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b) and 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act, 1961, in Crime No.2 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the first petitioner/Surya had taken place on 27.05.2020. At the time of marriage, the parents of the defacto complainant gave 64 sovereigns of jewels. The day prior to the marriage, her mother-in-law asked three lakhs as dowry through



phone. Then her mother told her that they have no cash and requested them to pledge the defacto complainant's jewels. Her mother-in-law started harassing her by demanding money. Her mother-in-law promised her that 20 sovereigns of Thali Chain for her marriage. She did not provide that. The accused told her that her husband was earning a sum of Rs.20,000/- per month. The accused scolded her in filthy language, ill-treated her and asked her to get out of the house. They did not allow her and her husband to live together and they sent her husband to Bangalore. When she asked her mother-in-law to tell her husband to come to see her, she scolded her in filthy language and stated that her husband would come, only when she asked him to come. Since she is not able to bear the torture given by her mother-in-law, she consumed poison. Subsequently, the accused are harassing the defacto complainant and made criminal intimidation that she would be set fire and killed. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) opposed this petition on the ground that investigation is not completed.

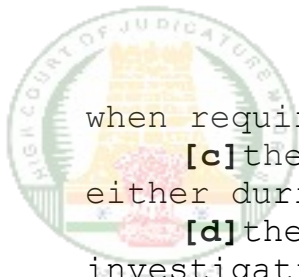
5.The allegation of the prosecution shows that the main allegations are only against the mother-in-law of the defacto complainant. If these petitioners are sent to judicial custody, the possibility of resuming the matrimonial life between the defacto complainant and the first petitioner would be lost forever.

5.In the facts and circumstances of the case, this Court is of the considered view that the custodial interrogation of the petitioners are not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 learned Judicial Magistrate, Nilakkottai 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 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 1, 3 and 5 shall report before the respondent police, daily at 10.30 a.m., until further orders and the petitioners 2 and 4 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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/07/2021

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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,
NILAKKOTTAI

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NILAKKOTTAI, DINDIGUL DISTRICT

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.SENTHIL, Advocate (SR-4607[I] dated 15/07/2021)

ORDER

IN

CRL OP(MD) No.4144 of 2021

Date :14/07/2021

IAS

RT/JC/SAR-III/20.07.2021/3P/6C

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