



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

Date : 22/03/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) . No.4331 of 2021

1. PN.Andrewprabhin Satheesh
2. R.Ponniyan
3. P.Nevisammal
4. S.Amalorpavamary
5. Sahayadhas
6. Jerold Britto
7. Jegan

... Petitioners/Accused No.1 to 7

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station-Colachel,
Kanyakumari District.
(Crime No.10 of 2021).

... Respondent/Complainant

For Petitioners: Mr.Kameswaran.S., Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.10 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A7, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 34, 120(b), 294(b), 307, 323, 324, 341, 403, 406, 420, 494, 496 498(A) and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Woman Harassment Act, 2002, in Crime No.10 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a widow. The first petitioner got married the defacto complainant on 29.07.2018. Thereafter, the petitioners were said to have demanded additional dowry from the defacto complainant and abused her by using filthy language and also assaulted her with hands. Thereafter, the defacto complainant has lodged a complaint and the respondent Police has not taken any action. Hence, he has filed a petition under Section 156(3) of Cr.P.C., and the same was



allowed. Based on the direction of the lower Court, the present case has been registered against the petitioners.

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

4. The learned counsel appearing for the petitioners submitted that apart from the first settlement in Doc.No.942/2020, dated 05.05.2020, the first petitioner has settled another nine properties in favour of the defacto complainant in Doc.No.940/2020 on the same day. He further submitted that only to extract money from the first petitioner, the defacto complainant has lodged a complaint one after another. He further submitted that the petitioners 2 to 7 are in-laws of the defacto complainant and they are living separately and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. On perusal of the materials available on records, it is seen that the defacto complainant is a widow and the first petitioner had relationship with the defacto complainant. Out of their relationship, the defacto complainant gave birth one male child. Taking advantage of the relationship, on 05.05.2020 the first petitioner had settled nine properties in the name of the defacto complainant's son and one property in the name of the defacto complainant to resolve the issue. Thereafter, both of them are not living together. The case of the defacto complainant is that the defacto complainant had given 40 sovereigns of gold and Rs.80 lakhs to the first petitioner. The defacto complainant had earlier lodged a complaint on identical facts restricting to IPC offences, which was enquired and closed, thereafter, petitioner under Section 156(3) Cr.P.C., filed and case was registered by All Women Police Station, Marthandam, in which, no offence for dowry and harassment is found and on the point of jurisdiction, case transferred to Inspector of Police, Kaliyakavilai Police Station. This case is almost similar to the earlier case.

6. Considering the facts and circumstances of the case and also considering the fact there is no specific allegations against the petitioners, 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, Eraniel, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with common surety 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/-

22/03/2021

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

ORDER IN

CRL OP(MD) No.4331 of 2021

Date : 22/03/2021