



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

Date : 26/03/2021

PRESENT

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The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4704 of 2021

1.Leelavathy
2.Subila Rajam
3.Jeyaselvan

... petitioners/Accused
No.2 to 4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Kanniyakumari District.
Crime No.6 of 2021.

... Respondent/Complainant

For petitioners : Mr.M.Jegadeesh Pandian,
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. 6 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406,294(b), 506(ii) of IPC and Sections 4,6 of D.P.Act, 1961, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and one Bhavani was solemnized on 01.07.2018 and at the time of marriage 80 sovereigns of gold ornaments and Rs.7,00,000/- worth household articles were given as dowry. Thereafter the petitioners herein along with other accused started harassing the said Bhavani demanding more dowry. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. Co-accused / A1 in this case was already granted anticipatory bail by this Court.

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4. The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and the investigation is pending. He would further submit that Co-accused / A1 in this case was already granted anticipatory bail by this Court, in Crl.O.P.(MD)No.3723 of 2021, dated 10.03.2021.

5. It is seen that the marriage between the first accused and one Bhavani was solemnized on 01.07.2018 and at the time of marriage 80 sovereigns of gold ornaments and Rs.7,00,000/- worth household articles were given as dowry. Further they demanded additional dowry and started harassing her. At the time of marriage the first accused himself has projected that he was working as marine engineer and thereafter only the said Bhavani came to understand that the first accused is not a Marine Engineer. In view of the same, the complaint has been lodged and thereafter it has closed. Further as per the direction of the learned Judicial Magistrate, the present First Information Report has been registered.

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 Additional Mahila court, Nagercoil, Kanyakumari District 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) after executing sureties the petitioners shall report before the respondent police for three days.

(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/-
26/03/2021

/ 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 JUDGE
ADDITIONAL MAHILA COURT,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANNYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4704 of 2021
Date : 26/03/2021

LS
TK/VR/31.03.2021/3P/4C