



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

Date : 26/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4687 of 2021

1. Petchiammal
2. R.Vadivel
3. M.Ponnuthai
4. Manikandan

... Petitioners/Accused 2 to 5

Vs

State through
The Inspector of Police,
AWPS, Thilagarthidal, Madurai City,
Madurai.
Crime No. 09 of 2021.

... Respondent/Complainant

For Petitioners : N.Ananthapadmanabhan,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

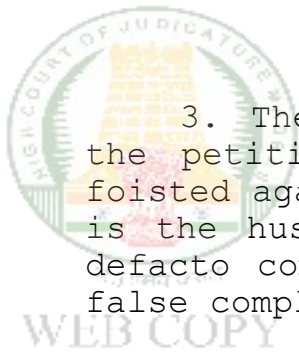
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.09 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, seek anticipatory bail.

2.The case of the prosecution is that A1, who is the husband of the defacto complainant, demanded additional dowry and assaulted her. The petitioners herein, who are the in-laws of the defacto complainant, have abused the defacto complainant.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would further submit that the first accused is the husband and the petitioners herein are the in-laws of the defacto complainant and only to harass the petitioners herein this false complaint has been lodged by the defacto complainant.

4. The learned Government Advocate would submit that it is a matrimonial dispute between the family members.

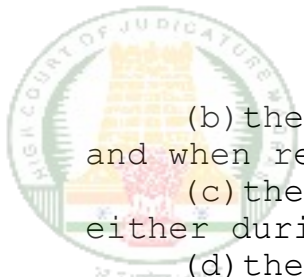
5. It is seen that the petitioners herein are in-laws of the defacto complainant. The marriage between the first accused and the defacto complainant are taking place on 11.11.2002 and A1 lost his parents at the young age. Hence, the first and second petitioners had conducted marriage. After the marriage, A1 and the defacto complainant were living separately and due to the wedlock, they have three children and for the past 18 years, they were living happily. A1 was doing money lending business. In the month of March 2020, the defacto complainant went to the house of the petitioners 1 and 2 and enquired about the first accused. The petitioners advised her that they will try to solve the issues amicably, but, the defacto complainant filed a false complaint before the respondent police and the respondent police after investigation came to know that these petitioners do not have any communication with the first accused and advised the defacto complainant to wait for some time. But, the defacto complainant filed a direction petition under Section 156(3) Cr.P.C, before the Additional Mahila Court, Madurai, in Cr.M.P.No.73 of 2021 and obtained a direction to register F.I.R and the F.I.R came to be registered only after that, by the order of the Judicial Magistrate, dated 07.01.2021.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioners herein are only in-laws, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is partly allowed and 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 cum Additional Mahila Court, 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

<https://hdservicescourts.gov.in/hdservices/> 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/-

26/03/2021

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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 JUDGE,
THE JUDICIAL MAGISTRATE CUM
ADDITIONAL MAHILA COURT, MADURAI.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
AWPS, THILAGARTHIDAL, MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4687 of 2021

Date : 26/03/2021

Ls

AE/SMA/ (31/03/2021) 3P / 5C

<https://hcservices.ecourts.gov.in/hcservices/>