



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

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.4878 of 2021

WEB COPY

Velusamy

... Petitioner/Accused No.2

Vs

The State rep.by,
The Sub Inspector of Police,
All Women Police Station,
Musiri,
Trichy District,
In Crime No.19 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Saravanan.A.,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.19 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 25.02.2021 for the offences punishable under Sections 498 (A), 354, 354(A)(1)(i), 354(A)(1)(ii), 323, 201 and 506(i) of IPC and Section 4 of TNPHW Act and Section 4 of D.P.Act, in Crime No.19 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 12.09.2019 and at the time of marriage 12 sovereigns of gold jewels and Rs.1,50,000/- household articles were given as dowry and thereafter the second and third accused demanded more dowry and started harassing the defacto complainant. The further allegation is that the father of the first accused misbehaved with the defacto complainant and when the same was informed to the first accused he did not enquire about the same, hence the defacto complainant left the home and thereafter the complaint has been given.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against

<https://hservices.ecbts.gov.in/hservices/>



false allegation against the petitioner in order to set up a separate matrimonial home.

4.The learned Government Advocate(Crl.Side) would submit that the A1 is the husband, A2 is the father-in-law, A3 is the mother-in-law, A4 is the brother-in-law of the defacto complainant, A5 is the defacto complainant's husband's maternal uncle's wife and A6 is the wife of the fifth accused. All the accused persons harassed the defacto complainant demanding more dowry.

5.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that co-accused have already been granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Thuraiyur, Trichy District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/03/2021

/ 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,
THURAIYUR, TRICHY DISTRICT.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
 - 3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.A.SARAVANAN Advocate SR.No.2743

ORDER
IN
CRL OP(MD) No.4878 of 2021
Date :31/03/2021

NR/VR/SAR-III(31.03.2021) 3P:7C