



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.4928 of 2021

1. Balamurali
2. Manonmani
3. Vincent Velankanni ... Petitioners/Accused 1 to 3

Vs

State rep.by its
The Inspector of Police,
All Women Police Station,
Thirupparamkundram,
Madurai City.
Cr.No.7 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Mayilvahana Rajendran.C.,
Advocate.

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

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

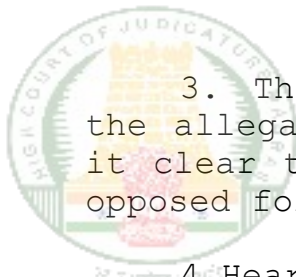
PRAYER :-

C-29B. For Anticipatory Bail in Crime No. 7 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A.2 to A.6 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, and 506(i) I.P.C. in Cr.No.7 of 2021, on the file of the respondent police seek anticipatory bail.

2. The learned Counsel appearing for the petitioners submitted that the petitioners are innocent and they did not commit any offence as alleged in the complaint. In his support of his contentions, he drew the attention of the notices between the defacto complainant and the first petitioner and especially the reply sent by the defacto complainant. In the reply notice dated 28.01.2020, there is no reference about the demand of Rs.1,65,000/-. Further, it is stated that the husband demanded a sum of RS.10,00,000/- for his business purpose and that amount has not been mentioned in the complaint.



3. The learned Government Advocate (Crl.Side) submitted that the allegations made against the petitioners in the complaint make it clear that *prima facie* it is a case of dowry harassment and he opposed for grant of anticipatory bail to the petitioners.

4. Heard the learned Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

5. It is seen from the submissions that the marriage between the defacto complainant and the first petitioner was solemnized on 06.11.2018. Even during the marriage, the petitioners demanded dowry and the defacto complainant's father provided dowry. Subsequently also, the petitioners repeatedly started to demand dowry again and again and they ill-treated and harassed the defacto complainant, which leads the defacto complainant to make an attempt to commit suicide. During October 2020, the father of the defacto complainant demanded a sum of Rs.1,65,000/- which was given to the first petitioner. The petitioners refused to return the money and also criminality intimidated him.

6. The perusal of the notice, reply notice and the FIR shows that the argument advanced by the learned Counsel for the petitioners is true, for the reasons that there is no mention about the demanding Rs.10,00,000/- in the FIR and there is no mention about the demanding of Rs.1,65,000/- in the reply notice dated 28.01.2020. Taking note of these contradictory versions material omissions and also considering the fact that this 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 learned Additional Mahila Judge, 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:

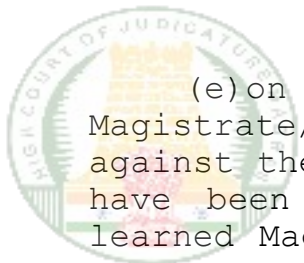
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second petitioner shall report before the respondent police as and when required for interrogation; and the petitioners 1 and 3 shall report before the respondent police daily at 10.00 a.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(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/-

16/04/2021

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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 ADDITIONAL MAHILA JUDGE,
MADURAI
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARAMKUNDRAM, MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MAYILVAHANA RAJENDRAN.C. Advocate SR.No.3180

ORDER

IN

CRL OP (MD) No.4928 of 2021

Date : 16/04/2021

SMA/PN/SAR-2/20.04.2021 : 3P/5C