



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5315 of 2021

1. Philominal
2. Misha K Jose
3. Sheeba
4. Dominic Xaviour
5. Anuja

... Petitioners/Accused 2-6

Vs

The State rep by its
The Inspector of Police,
All Women Police Station, Marthandam,
Kanyakumari District
Cr No.24/2021.

... Respondent/Complainant

For Petitioner : M/s.Sivakumar.S.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 24 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, 294(B), 506(i) I.P.C., and Sections 3(1), 4 and 6 of Tamil Nadu Dowry Prohibition Act, in Cr.No.24 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.

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.

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5. It is seen from the submissions that the marriage between the defacto complainant and the first accused had taken place on 28.12.2009. This complaint has been registered on the basis of the complaint forwarded by the learned Judicial Magistrate No. II, Padmanabapuram, under Section 156(3) Cr.P.C., In the lengthy complaint, there are series of allegations with regard to demand of dowry and harassment. However, it is seen that the defacto complainant has not taken any immediate steps for giving police complaint with regard to the alleged harassment and demand of dowry. Primarily the dispute involved in this case is a marital dispute between the defacto complainant and the first accused. The petitioners before this Court are the mother, brothers and brothers' wife of the first accused. It is also submitted that the petitioners 2 to 5 are living separately in their separate house.

6. Considering the fact that it is matrimonial dispute between the defacto complainant and the first accused and the petitioners are mother, brothers and brothers' wife of the first accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

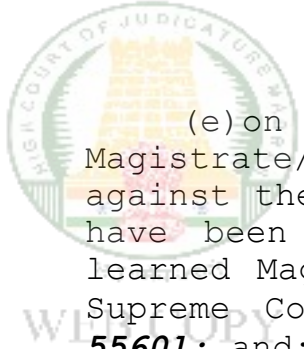
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. II, Padmanabhapuram, on condition that the petitioners shall execute 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 petitioners 1, 3 and 5 shall report before the respondent police as and when required for interrogation; and the petitioners 2 and 4 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;

(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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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSL

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 NO.II, PADMANABHAPURAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.S.SIVAKUMAR, Advocate (SR-3165[I] dated 17/04/2021)

ORDER
IN
CRL OP (MD) No.5315 of 2021
Date : 16/04/2021