



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

Date : 28/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5373 of 2021

1. Karthi
2. Narayanasamy
3. Parameswari
4. Prabu

... Petitioners/Accuseds (A1 To A4)

Vs

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

... Respondent/Complainant

For Petitioner : Mr.V.Kannadasan,
Advocate.

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

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

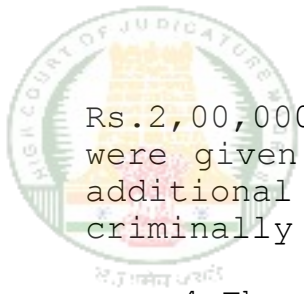
PRAYER :- For Anticipatory Bail in Crime No.6 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 323, 353, 406, 506(i) and 498(A) of IPC and Section 4 of the Prohibition of Harassment of Women Act, 2002 in Crime No.6 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3. The case of the prosecution is that the first petitioner is the husband of the de-facto complainant. The marriage between the first petitioner and the de-facto complainant had taken place on 04.09.2016 and during marriage, 20 sovereigns of jewels,



Rs.2,00,000/- worth of household articles and cash of Rs.1,00,000 were given as dowry. After the marriage, the petitioners demanded additional dowry and harassed the de-facto complainant and also criminally intimidated her. Hence, the complaint.

4.The learned counsel for the petitioners would submit that it is seen from the First Information Report that marriage had celebrated on 04.09.2016 and it is alleged that ever since her marriage she was continuously harassing. This complaint was forwarded by the learned Additional Mahila Court, Dindigul and was registered in Crime No.1158 of 2020.

5.The learned Government Advocate (criminal side) would submit that the investigation is pending.

6.Taking note of the fact that it is matrimonial dispute and the dispute between the spouse and in-laws of the de-facto complainant, 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 two weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Court (Magistrate Level), Dindigul, Dindigul District, and on their executing 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 learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

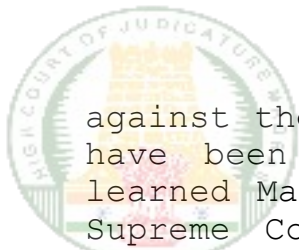
(b)the petitioners 1 to 3 shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the fourth petitioner is suffering from Covid-19 corona virus, therefore, he is exempted to observe conditions for next three weeks and thereafter, appear before the respondent police daily at 10.30 a.m., until further orders;

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/04/2021

/ 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 (MAGISTRATE LEVEL),
DINDIGUL, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.KANNADASAN, Advocate (SR-3494[I] dated 29/04/2021)

ORDER
IN
CRL OP(MD) No.5373 of 2021
Date :28/04/2021

SJI
MS/PN/SAR-2/11.05.2021/3P.6C