



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

Date : 20/04/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5618 of 2021

1. E.Ramkumar @ Karthick
2. Mr.P.Elayaraja
3. E.Santhi

... Petitioners/Accused 1,3 & 4

Vs

State Rep. By
The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
(Crime No.3 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Jesu.I.,
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.3 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 and A4 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 seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 04.03.2015 and thereafter the petitioners started demanding more dowry and harassed her. When the defacto complainant's new born daughter suffered problems in her heart and lungs, the petitioners have not taken any steps for giving treatment. Further the petitioners started harassing the defacto complainant and not permitting her to join with her husband and thereafter she was mentally and physically harassed, due to which she left the matrimonial home during the month of May. 2018, thereafter this



complaint came to be filed on 30.03.2021. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against the petitioners. He would also submit that the petitioners have harassed the defacto complainant demanding more dowry, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and the investigation is still pending.

5. From the allegations made in the First Information Report, it is seen that there are allegations with regard to the demand of dowry and harassment inflicted on the defacto complainant. Further the first petitioner has filed a petition for restitution of conjugal rights in HMOP No. 124 of 2019 and it is pending. The defacto complainant had filed a transfer petition in Tr.CMP No.62 of 2020 before the High Court of Madras and the same was also dismissed. Though the defacto complainant alleges that there was dowry harassment right from the date of marriage she had lodged complaint only during the year 2021

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is a long delay in preferring complaint and also the fact that it 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 Judicial Magistrate, Uthamapalayam, Theni District 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 shall report respondent police daily at 10.30 am., 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/-

20/04/2021

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/ /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,
UTHAMAPALAYAM, THENI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.JUSU, Advocate (SR-3285[I] dated 21/04/2021)

ORDER

IN

CRL OP(MD) No.5618 of 2021

Date : 20/04/2021