



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

Date : 15/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.6129 of 2021

D.Ilango

... Petitioner/5th Accused

Vs

The State rep.by,
The Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul District.
Crime No.3 of 2021

... Respondent/Complainant

For Petitioner : Mrs.Lakshmi Gopinathan, Advocate
for M/s.Polax Legal Solutions, Advocate.

For Respondent : Mr.M.Muthumanikkam,
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 petitioner/A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 498 A, 294B I.P.C., and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Women Harassment Act in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first accused were in love with each other. As a result, they had physical relationship and the defacto complainant had conceived. On 08.02.2021, the defacto complainant and the first accused got married in Sri Ayyanar Temple near Kunnampatti division. Her mother gave a complaint at Vendasandur police station, when she left her house. Vendasandur Police enquired the defacto complainant and the first accused and they informed that though they belong to different religion and community, they got married before Sri Ayyanar Temple. On seeing that the accused and the defacto complainant are major, the Vendasandur police let them off after



recording their statements. When the defacto complainant and the first accused went to the first accused's house, his parents degraded her by stating that she belongs to schedule caste community and threw them out of the house. Then they went to the first accused's sister's house at Bangalore. His sister and her husband enquired her about her community and asked her to abort the fetus by citing her community as a reason. On 22.03.2021 all the accused demanded 25 Sovereigns of gold and Rs.3,00,000/- cash as dowry for continuing with the marriage. Therefore, this case came to be registered.

3. The learned Counsel for the petitioner submitted that the accused 2 to 4 were already granted anticipatory bail by this Court in Crl.O.P.(MD)No.6392 of 2021. The first accused was referred to mediation with a direction not to arrest the first accused till the conclusion of the mediation proceedings. The petitioner is innocent and he is falsely arrayed as accused in this case, only for the purpose of implicating him with a view to harass him. Therefore, the learned Counsel for the petitioner seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the State opposed this petition on the ground that the investigation is pending. It is further submitted that the defacto complainant has not yet delivered baby.

5. Taking note of the facts and circumstances of the case and the fact that it is a dispute between two lovers and than a married couple and the fact that the co-accused, especially similarly placed co-accused A.4 was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.6392 of 2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Vedsanthur, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, 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 said Magistrate and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness service courts in investigation or trial;



[d]the petitioner 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 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]**;

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/06/2021

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

+1 CC to M/s.POLEX LEGAL SOLUTIONS, Advocate (SR-4006[I] dated 16/06/2021)

ORDER
IN
CRL OP(MD) No.6129 of 2021
Date :15/06/2021

SSL
TK/PN/SAR.3/18.06.2021/3P/6C

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