



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

Date : 21/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7181 of 2021

1. Muthupandi
2. Mookan
3. Vijaya

... Petitioners/Accused Nos.1 to 3

Vs

The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(Crime No.6 of 2021).

... Respondent/Complainant

For Petitioners : Mr.S.Mahendrapathy,
Advocate.

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

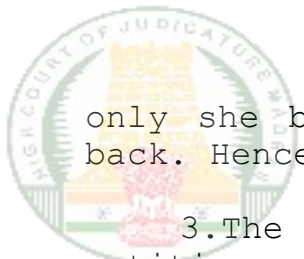
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

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

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 498(A) IPC in Crime No.6 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and A1 loved each other and they were married on 22.04.2015 at Vadipatti Sub Registrar Office, without knowledge of their parents. Then, they lived at Anna Nagar for two years. After their relationship came to know to their parents, they discussed the matter and in 2018 they were living at Thirumangalam. The parents of A1 scolded by stating that the defacto complainant did not bring any jewels and A1 also started beating her. Thereafter, the foster parents of the defacto complainant gave 10 sovereigns of gold jewels. However, the accused not satisfied with the same and demanded further dowry from the foster parents of the defacto complainant. Then, without any information, A1 vacated the house at Thirumangalam. When he went to the house of husband and asked him, he told that he was not willing to live with her and also driven out of the home and his parents also scolded her by stating that if



only she brings 50 sovereigns of gold jewels, they will take her back. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the first and second petitioners are parents of A1 and the incident happened in the year 2018 and this complaint was preferred only in 2021 by exaggerating the events, only to harass the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5.Taking into consideration the facts and circumstances of the case and the fact that it is a matrimonial dispute and the defacto complainant and A1 loved each other and their marriage was love marriage, without the knowledge of their parents, this Court is inclined to grant anticipatory bail to the second and third petitioners alone. So far as the first petitioner is concerned, there is specific allegation against him with regard to the demand of dowry and physical harassment against the defacto complainant and therefore, this Court is not inclined to grant anticipatory bail to the first petitioner and this petition is dismissed as against the first petitioner.

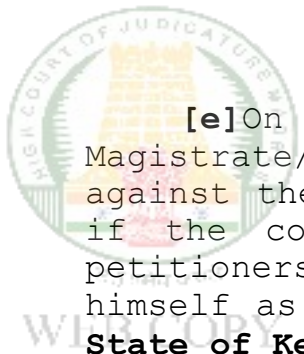
6.Accordingly, the second and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District on condition that the second and third 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the second and third 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 and third petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the second and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the second and third 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 second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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]**.

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

sd/-
21/06/2021

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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,
THIRUMANGALAM, MADURAI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7181 of 2021
Date :21/06/2021

GNS
AE/PN/SAR-IV/24.06.2021/3P/5C