



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.6765 of 2021

1. E.Selvakani
 2. E.Govindammal
 3. P.Eassac
 4. E.Baby Ramani
- ... Petitioners/Accused 1 to 4

Vs

1. The State rep.by
The Sub Inspector of Police,
All Women Police Station,
Srivilliputtur,
Viruthunagar District.
Crime No.4 of 2021
 2. P.Walka
- ... 1st Respondent/Complainant
- ... 2nd Respondent/Defacto Complainant

For Petitioners : Mr.M.VIJAYARATHINAM,
Advocate.
For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 498-A, 406 IPC and Section 4 of Dowry Prohibition Act, in Crime No.4 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The first petitioner is the husband of the defacto complainant. The petitioners 2 and 3 are parents of the first petitioner and 4th petitioner is the sister of the first petitioner. The case of the prosecution is that the marriage between the defacto complainant and the first petitioner was solemnized on 10.11.2019. At the time of marriage, 50 sovereigns of gold were given as dowry by the father of the defacto complainant and Rs.5,00,000/- was given for the Srithana properties. Even then, the first petitioner refused to live with the defacto complainant. They also demanded more 50 sovereigns of gold. Hence, the complaint.



3. The learned counsel for the petitioners submits that there was no dowry harassment by the petitioner herein. The 4th petitioner is married and living separately. In order to harass the petitioners, this false complaint has been lodged. He further submits that the first petitioner had breathing problem and therefore, due to the medical condition, the first petitioner could not live with her. The petitioners herein had no knowledge about the physical condition of the first petitioner prior to the marriage and it was found only after the marriage. The first petitioner is ready to take any treatment. Hence, he prayed for grant anticipatory bail to the petitioners.

4. The learned counsel for the petitioners further submits that the defacto complainant has already filed a petition under the provisions of Domestic Violence Act in D.V.O.P.No.32 of 2020 before the learned Judicial Magistrate (Additional Mahila Court), Srivilliputhur, along with a petition for maintenance, where, an order was passed for interim maintenance, directing the petitioner to pay a sum of Rs.7,000/- towards monthly maintenance to the defacto complainant. Though the Court has passed an order, directing the petitioner to pay a sum of Rs.7,000/- towards monthly maintenance, the first petitioner, to show his bona fide, is ready to pay a sum of Rs.10,000/- towards monthly maintenance to the defacto complainant, without prejudice to his right to defend the DVOP proceedings and other criminal cases pending against him. An affidavit has also been filed before this Court to that effect.

5. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

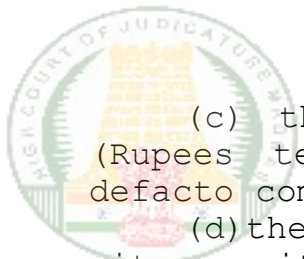
6. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the first petitioner filed an affidavit to the effect that he is ready to pay a sum of Rs.10,000/- towards monthly maintenance to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Original Petition is allowed. 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 Additional Mahila Court, Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent Police

https://hcservices.court.gov.in/hcservices/



(c) the first petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) towards monthly maintenance to the defacto complainant;

(d) the petitioners shall not tamper with the 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 Judge/ 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 are released on bail by the learned Judge/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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/10/2021

/ 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 ADDITIONAL MAHILA JUDGE,
SRIVILLIPUTTUR.
- 2 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVILLIPUTTUR,
VIRUTHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6765 of 2021

Date : 06/10/2021

SA/JM/SAR.1/25.10.2021/3P/4C