



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

Date : 23/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6786 of 2021

1. ARUN
2. SANGA REDDY
3. KALAISELVI
4. MUGILAN

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.NOT KNOWN OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.C.Suresh Kannan, Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
For Intervenor : Mr.B.Muneeswaran, Advocate
for Mr.S.J.Chakkaravarthy, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.Not known 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 Sections 498A of IPC, 4 of Dowry Prohibition Act, 1961 in Crime No.not known of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place on 24.02.2021. At the instigation of the petitioner Nos.2 to 3, the first petitioner demanded dowry and harassed her. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the defacto complainant is not interested in leading the matrimonial life with the first petitioner. Hence, a false case has been foisted against these petitioners, at the instance of a Police Officer, who is the relative of the defacto complainant.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the matter was already referred to the Social Welfare Officer on 19.08.2021 and the Social Welfare Officer has also found that there was a demand for dowry and recommended for registering the case. Then only, the case has been registered in Crime No.14 of 2021.

5. This application has been filed as Crime No.not known of 2021 on 17.05.2021 and taking into consideration of the fact that the case is at the stage of enquiry, this Court has also referred the matter for Mediation by order dated 03.06.2021. But the defacto complainant has not appeared before the Mediator and co-operated for Mediation. Thereafter, it came to know that the matter has been referred to the Social Welfare Officer. The defacto complainant has appeared before the Social welfare Officer, co-operated for the enquiry and the Social Welfare Officer has also recommended for registration of the First Information Report.

6. Again, on 09.09.2021, at the request of the learned counsel for the petitioner and the learned counsel appearing for the defacto complainant, the matter was referred to Mediation. Again, the defacto complainant did not appear before the Mediator. Therefore, the Mediator has expressed his difficulties in proceeding further with the Mediation.

7. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor has produced the proceedings of the Social Welfare Officer dated 01.09.2021 recommending for registration of the case. A perusal of the proceedings shows that the marriage itself took place on 24.02.2021 and the issue has been exaggerated on petty quarrels. When the matter was referred to the Social Welfare Officer, the defacto complainant has appeared and co-operated for the enquiry, but she did not appear before the Mediator.

8.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners.



9. Accordingly, this Criminal Original Petition is allowed and 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, Aruppukottai, 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 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 learned Magistrate 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 as and when required;

(c) the petitioners shall not tamper with the 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/09/2021

/ 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,
ARUPPUKOTTAI.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to VEILMUTHU.K Advocate SR.No.6591.

ORDER
IN
CRL OP(MD) No.6786 of 2021
Date :23/09/2021

USK/VR/SAR-I/ (28.09.2021) 4P-6C