



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

Date : 21/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8050 of 2021

1. Nachiyappan
2. Singaaram
3. Hemalatha

... Petitioners/Accused No.1 to 3

Vs

The Inspector of Police,
All Women Police Station,
Jeeyapuram, Trichy District.
Crime No.5/2021.

... Respondent/Complainant

For Petitioners: Mr.P.Ganapathi Subramanian,
Advocate.

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

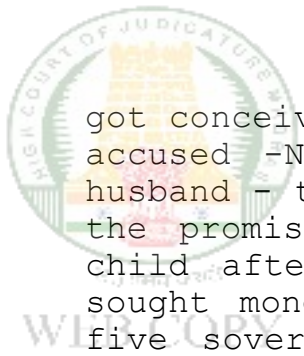
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.5 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 417, 498A and 506(i) I.P.C., and Section 4 of Dowry Prohibition Act, in Cr.No.5 of 2021, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was studying at Ramanathan Chettiar Higher Secondary School from 1999 to 2002, she fell in love with A.4 - Sundhar. The love was not accepted by both the families. Against the wishes of the family, both continued to love and in fact, during April 2002, the defacto complainant and the fourth accused had sexual relationship. Thereafter also the sexual relationship continued. As a result, she got conceived. On 27.05.2002, they got married without the knowledge of their family members. After marriage, they were living in Pettavaithalai. There was an abortion in August 2002. Then they lived at Namakkal. At the end of 2002, she again



got conceived. On 15.06.2003, she delivered a male child. The first accused - Nachiyappan used to come to their house. He took her husband - the first accused's brother/fourth accused to his house on the promise that he would also take the defacto complainant and child after some time. Then her husband and the first accused sought monetary help from the defacto complainant. She gave her five sovereigns of gold jewel. At the end of 2004, the first accused took his brother-fourth accused to his house. The defacto complainant was informed that her husband was working under his father. Her husband used to come to her house twice or thrice in a week during night times and used to leave in the morning. At the end of 2005, without the knowledge of the defacto complainant, her husband was sent to Singapore. When the defacto complainant asked the whereabouts of her husband with his family members, they told that he was in Singapore. In spite of several steps taken, she was not able to locate the whereabouts of her husband till 2011. She came to know that her husband came to the marriage of the first accused in 2011 and when she went there to meet her husband, she was prevented to meet her husband. Later she came to know that her husband was admitted at Meenakshi Mission Hospital for treatment of dengue fever and she was not allowed to meet him. Her husband did not come to meet her or his son. Her father-in-law promised to take care of her maintenance and expenses, but he did not comply with his promise and when the defacto complainant insisted to know the whereabouts of her husband, she was criminally intimidated. Therefore, this case came to be registered for the offences under Sections 294(b), 417, 498A and 506(i) I.P.C., and Section 4 of Dowry Prohibition Act.

3. The learned Counsel for the petitioners submitted that the petitioners are innocents and they did not know the whereabouts of the fourth accused-Sundhar. The first petitioner is his brother and the second and third petitioners are parents. The respondent police is harassing the petitioners. Therefore, the first petitioner filed a suit in O.S.No.9 of 2021, on the file of the District Munsif cum Judicial Magistrate, Thirumayam claiming damages against the defacto complainant and the Inspector of Police, All Women Police Station, Jeeyapuram, Trichy District. He has also sent a complaint to the Director of Vigilance and Anticorruption, Chennai, dated 21.01.2021 and another complaint dated 07.01.2021 to the Superintendent of Police, Tiruchirappalli and other police officials making allegations against the respondent police, especially the Inspector of Police, All Women Police Station, Jeeyapuram, Trichy District.

4. The learned Counsel for the petitioners further submitted that the petitioners are being harassed by asking the whereabouts of the fourth accused - Sundhar. In fact, the petitioners did not have any connection with the fourth accused. In spite of informing that, the respondent police is repeatedly harassing the petitioners. Therefore, this petition has been filed seeking anticipatory bail to



5. The learned Government Advocate (Crl.Side) appearing for the State submitted that the investigation in this case is pending.

6. It is seen from the allegations made in the First Information Report that the marriage between the defacto complainant and the fourth accused had taken place on 27.05.2002. It appears that after some time, especially from 2006, the defacto complainant is not in touch with the fourth accused. Rather, the fourth accused left her abandoned. According to the case of the prosecution, he has gone to Singapore. The petitioners are parents, brother of the fourth accused. They cannot be harassed for the acts of commission and omission of the fourth accused - Sundhar.

7. In view of the above facts and circumstances where there is a dispute in connection with marital discard between the defacto complainant and the fourth accused, the custodial interrogation of the petitioners is not necessary. In such view of the matter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 Additional Mahila Judge (Judicial Magistrate), Trichy, 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:

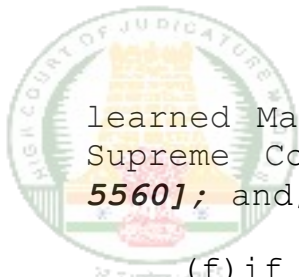
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 1 and 2 shall report before the respondent police daily at 10.30 a.m., until further orders and the third petitioner shall report before the respondent police as and when required for interrogation;

(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



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/-

21/06/2021

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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
(JUDICIAL MAGISTRATE), TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEEYAPURAM, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8050 of 2021

Date :21/06/2021

SSL

MS/AKM/SAR-3/23.06.2021/4P.5C