



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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8452 of 2021

1. Jebakkani
2. Suseela
3. Vajela

... Petitioners/Accused No.2 to 4

Vs

State Rep. by
The Sub Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
Crime No.29 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.C.Herold Singh
Advocate.

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

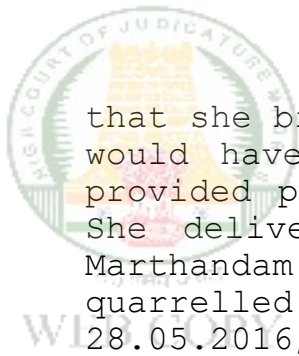
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.29 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 498(A), 506(i) I.P.C., read with Sections 3(1), 4 and 6 of Dowry Prohibition Act, 1961.

2. The case of the prosecution is that the first accused is the husband of the defacto complainant. The second accused is the first accused's elder brother. The third accused is the mother of the first accused. The fourth accused is the wife of the second accused. The fifth accused is the first accused's sister. The marriage between the first respondent and the defacto complainant had taken place on 13.05.2015. At the time of marriage, the defacto complainant was provided with Rs.3,00,000/-, household articles to the worth of Rs.1,00,000/- and a sum of Rs.35,000/- as customary practice. After providing these cash and other sridhanas, the accused were not satisfied with and they demanded <https://hcservices.com/civil/cse/> They ill-treated the defacto complainant, alleging



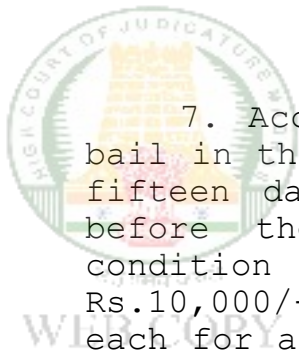
that she brought a very less dowry. If they married elsewhere, they would have been provided with more dowry. The accused have not provided proper food and other nourishment, when she was pregnant. She delivered a female child on 09.02.2016 at Vinoth Hospital, Marthandam. On The third day of birth of the child, the accused had quarrelled with the defacto complainant in the hospital. On 28.05.2016, the defacto complainant and her child were taken to the house of the petitioners. Thereafter, the petitioners did not allow her mother to visit the defacto complainant. On 02.11.2016, the first accused had beaten the defacto complainant after tying her mouth. They used to spoil the food provided to the defacto complainant by throwing the food on the ground. At the instance of the first accused, she left her mother's house on 05.11.2016. A false complaint was given against the defacto complainant alleging that she had stolen the jewels and documents. She was enquired by the police on 08.11.2016. When she visited her matrimonial home on 10.12.2017, she was beaten by the mother of the first accused in the house of the accused. Again on 27.03.2021, when the defacto complainant visited her husband's house, she was ill-treated and criminally intimidated by the accused. Therefore, this case came to be registered.

3. The learned Counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. In fact, there is a case in D.V.C.No.10 of 2019 filed by the defacto complainant pending before the Judicial Magistrate No.I, Kuzhithurai. The defacto complainant also harassed the petitioners. Therefore, she filed this against the petitioners and other accused.

4. The learned Government Advocate(Crl.Side) appearing for the State opposed this petition on the ground that the investigation in this case is not yet completed.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate(Crl.Side) appearing for the State and perused the materials placed on record.

6. It is seen from the allegations made in the F.I.R., that the marriage between the first accused and the defacto complainant had taken place on 13.05.2015. Several allegations as narrated above, were made against the accused. The complaint was given only on 27.03.2021. There is already a domestic violence case pending in D.V.C.No.10 of 2019 before the Judicial Magistrate No.I, Kuzhithurai. Taking note of all these facts and the fact that the issue involved in this case is a matrimonial dispute between the defacto complainant and the first accused and the resultant issues between in-laws, this Court is of the considered view that the custodial interrogation of the petitioners is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



7. 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 Judicial Magistrate No.I, Kuzhithurai, 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 first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the petitioners 2 and 3 shall report before the respondent police as and when required for the 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/06/2021

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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 NO.I,
KUZHITHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MARTHANDAM, KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4230[I] dated
30/06/2021)

ORDER

IN

CRL OP(MD) No.8452 of 2021

Date :28/06/2021

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JM/PN/SAR IV/02.07.2021/4P/6C