



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) .No.9382 of 2021

1.Vellaisamy
2.Chellaiah
3.Maruthapandiyammal
4.Vellaiammal
5.Janaki

... Petitioners/Accused
No.1 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Dindigul,
Dindigul District.
(Crime No.11 of 2021).

... Respondent/Complainant

P.Jeeva

... Petitioner/Intervenor/
Defacto Complainant
(in Cr1.M.P. (MD) No.4914/2021)

For Petitioners : M/s.M.Maran. Advocate

For Respondent : M/s.T.Senthil Kumar
Additional Public Prosecutor

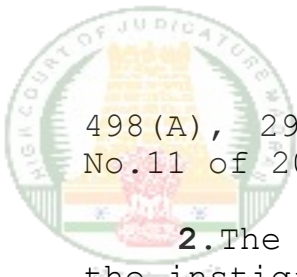
For Intervenor : M/s.T.Sakthikumaran, Advocate

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

PRAYER :-

for Anticipatory Bail in Crime No.11 of 2021 on the file of the
respondent police

ORDER : The Court made the following order :-



498(A), 294(b), 506(i) of IPC and Section 4 of DP Act, in Crime No.11 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner at the instigation of the other petitioners had demanded dowry from the defacto complainant and abused her in filthy language and also harassed her for the same. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case. He would further submitted that the petitioners have returned all the jewells to the defacto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the accused persons harassed the defacto complainant by demanding more dowry. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Since it is a matrimonial dispute, this Court, by order dated 20.09.2021, referred the matter to the Mediation centre to conduct enquiry and file a report. The Mediator has also filed a report stating that there is no possibility of reunion.

6.The learned counsel for the intervenor would submit that as on date, the defacto complainant has not received any jewels from the petitioners.

7.Considering the facts and circumstances of the case and the nature of allegation levelled against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this criminal original petition is allowed and the 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 Additional Mahila Court, Dindigul, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required for interrogation.

[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]**.

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

Sd/-
21/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 COURT,
DINDIGUL.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.MURUGAN, Advocate SR.No.32179

ORDER
IN
CRL OP(MD) No.9382 of 2021
Date :21/10/2021