



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2021

PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9761 of 2021

1. Ponnusamy
2. Lakshmi
3. Jeyaganesan
4. Malairasu

... Petitioners/Accused 2 to 4

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District
(Crime No. 12/2021).

... Respondent/Complainant

For Petitioners : M/s.Senthil D,
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.12/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A2 to A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 323 and 506(i) of IPC and Section 4 of Dowry Prohibition Act 1961, in Crime No.12 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de-facto complainant and A-1 was solemnized on 08.09.2019. At the time of marriage, the de-facto complainant was provided with 10 sovereigns of gold jewels and Rs.One Lakh worth about household



articles as sridhana. From the date of marriage, the petitioners and A1 demanded more money as dowry and thrown out the de-facto complainant from the matrimonial house. Therefore, this case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners 1 and 2 are in-laws of the de-facto complainant and the petitioners 3 and 4 are relatives of the de-facto complainant. He further submitted that the de-facto complainant had already preferred a complaint before the All Women Police Station, Paramakudi. After receipt of the complaint, there was a mediation in the police station and case was closed. Subsequently, there had been a dispute between the husband and wife. The marriage was solemnized in the year 2019 and subsequently, the husband of the de-facto complainant had filed HMOP NO.9 of 2021 before the Sub Court, Paramakudi and the same is pending. In the meanwhile, the de-facto complainant had approached this respondent police and therefore, the case had been registered.

4. The learned Government Advocate (Crl. side) appearing for the respondent police strongly opposed this petition on the ground that investigation in this case is not completed and A-1 is still absconding.

5. Taking note of the above said facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

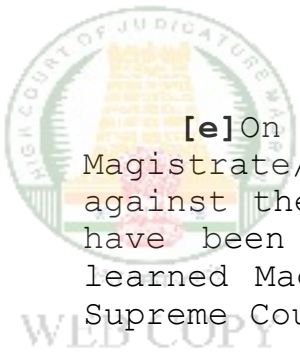
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Paramakudi on condition that the petitioners shall execute 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 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 shall report before the respondent police daily at 10.30 am., until further orders.

[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]**.

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

sd/-
22/07/2021

/ 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,
PARAMAKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.SENTHIL, Advocate (SR-4775[I] dated 22/07/2021)

ORDER
IN
CRL OP(MD) No.9761 of 2021
Date :22/07/2021