



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

Date : 20.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.11265 of 2021

WEB COPY

1.Ganesh Kumar

2.A.Susila

... Petitioners / Accused Rank
Not Known

Vs

The State Rep. By its
The Inspector of Police,
All Women Police Station,
Srirangam,
Trichy City.
(Crime No. Not Known)

... Respondent / Complainant

For Petitioners : Mr.B.Jameel Arasu
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor
For Intervenor : Mr.T.Lenin Kumar

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

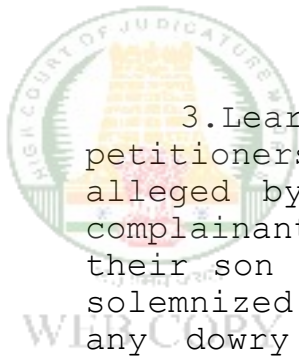
PRAYER :-

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 offence punishable under Sections
294(b), 406, 498A, 506(i) IPC and Section 4 of Dowry Prohibition
Act, in Crime No.Not Known of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioner's son,
Rajapandian and the defacto complainant married each other. At the
time of marriage, the petitioners received 20 sovereigns of gold
jewels, cash of Rs.1,00,000/- and house hold articles as dowry. Even
after the receipt of the dowry, the petitioners, their son and other
persons are harassing the defacto complainant and hence, the
complaint.



3.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. They are the in-laws of the defacto complainant. According to the petitioners, the marriage between their son and the defacto complainant was a forcible one and it was solemnized in the police station, as such, they have not received any dowry for the marriage. Due to some misunderstanding, the petitioners' son has filed an application for divorce before the Family Court, Trichy, in H.M.O.P.No.49 of 2021, through the first petitioner. Triggered over the same, the defacto complainant has lodged this false complaint. Therefore, the learned Counsel prayed for grant of anticipatory bail.

4.Learned Counsel for the intervenor objected for the grant of anticipatory bail and submitted that the petitioners have taken away the jewels of the defacto complainant and are retaining the same.

5.Learned Additional Public Prosecutor, on instructions, submitted that the marriage between the petitioners' son and the defacto complainant was solemnized in the police station. He further submitted that the investigation is yet to be completed.

6.Considering the fact that it is a matrimonial dispute, the marriage itself was solemnized in the police station and that the petitioners are only in-laws, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 learned Additional Mahila Judge, Trichy, 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 Judge 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 Judge 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 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 the investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Judge/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 have been released on bail by the learned Judge/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 petitioners / accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

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20/10/2021

/ TRUE COPY /

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

gk

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,
TRICHY.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.11265 of 2021
Date :20/10/2021

SB/JM/SAR-I/26.10.2021/3P/4C