



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.15768 of 2020

1. Sasirega
2. Gopi Krishnan ... Petitioners/Accused Nos.3 & 4

Vs

The State of Tamil Nadu
Rep.by The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavoor District.
(Crime No.9/2020).

... Respondent/Complainant

For Petitioners: Mr.S.Muthuvinayagam,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.9/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 and A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b), 406 and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961 and Section 4 of Tamilnadu Prohibition harassment of Women Act, in Crime No.9 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are in-laws of the defacto complainant. The defacto complainant got married the first petitioner's brother viz., Rajkumar, at that time,

<https://hcservices.ecourts.gov.in/hcservices/>



the parents of the defacto complainant has given sufficient dowry to the defacto complainant. After the marriage, the petitioners and her husband said to have assaulted the defacto complainant and also demanded dowry. Based on the complaint given by the defacto complainant, the case has been registered.

WEB COPY

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the marriage between the first petitioner's and the defacto complainant had taken place on 14.11.2018. He further submitted that the petitioners are in-laws of the defacto complainant and there is no other serious allegation against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the marriage between the first petitioner's and the defacto complainant had taken place on 14.11.2018, during the marriage, 47 sovereigns of Gold jewels and one lakh case were given as sreedana to the petitioners' family. He further submitted that A1 is alcoholic and A3 is the sister of A1 and A4 is the brother-in-law of A1. He further submitted that the petitioners and A1 said to have harassed the defacto complainant and demanded additional dowry from her. He further submitted that insofar as the petitioners are concerned, they had taken 15 sovereigns of gold jewels from the defacto complainant.

6. On perusal of the materials available on records, it is seen that the petitioners are married before the marriage of the defacto complainant with A1 and they were living separately at Coimbatore.

7. In view of the above, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam, Thanjavoor District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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;

(c) the petitioners shall not tamper with evidence or witness 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;

sd/-

/ TRUE COPY /

/ /2021

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.

1.THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM, THANJAVOOR DISTRICT.

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

+1 CC to Mr.S.RAMAKRISHNAN, Advocate (SR-225[I] dated 11/01/2021)

ORDER

IN

CRL OP (MD) No.15768 of 2020

Date : 08/01/2021

vsq

<https://hcservices.souths.wa.gov.au/hcservices/NE/SMARTS/GAR/nci/2021/01/2021> 3P / 6C