



WEB COPY

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

Date : 04/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.16110 of 2020

1. Gnanasundari
2. Stalin
3. Jerald

... Petitioners/Accused No.2 to 4

Vs

The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
Crime No.68/2020.

... Respondent/Complainant

For Petitioners: Mr.M.Solaisamy,
Advocate.

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

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

PRAYER :-

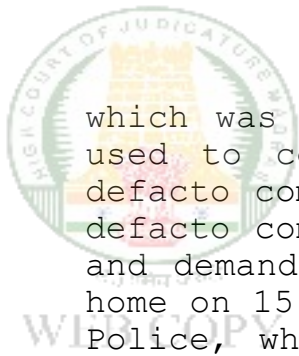
For Anticipatory Bail in Crime No. 68 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 294(b) and 506(i) of IPC, in Crime No.68 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The defacto complainant viz., Therasa is the wife of A1 viz., Gnanaprakash. The case of the prosecution is that the marriage between the defacto complainant and A1 took place on 27.10.2017,

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



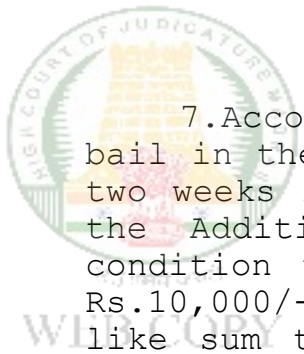
which was a love cum arranged marriage. After the marriage, A1 used to consumed alcohol. When the same was questioned by the defacto complainant, A1 and the petitioners said to have abused the defacto complainant by using filthy language and also assaulted her and demanded dowry from her. Thereafter, she left the matrimonial home on 15.09.2018 and lodged a complaint before the Commissioner of Police, which was forwarded to the respondent police. During the enquiry, the defacto complainant and A1 appeared and A1 agreed to return back the jewels. Later, he failed to do so. Hence, the present complaint.

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 defacto complainant and A1 were loved each other for the past three years. Thereafter, the marriage between the defacto complainant and A1 took place on 27.10.2017. After the marriage, as the defacto complainant is the only child of her parents, she used to spend most of her time at her parental home. Due to which, there was a dispute between them, in which, the defacto complainant left the matrimonial home and staying with her parents house. Thereafter, A1 had taken steps for rejoining, which was failed. Hence, A1 has filed a divorce petition in IDOP.No.536 of 2020 before the Family Court, Madurai. After receipt of summons from the Family Court, Madurai, the above case has been lodged by the defacto complainant. The allegation against the petitioners is that they induced A1 and demanded additional dowry from the defacto complainant. He further submitted that absolutely there is no demand of dowry and all the allegations are false. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that earlier registration of the case, A1 and the defacto complainant had enquired and in the enquiry, it reveals that the defacto complainant had been subjected to cruelty and harassment and further the jewels of the defacto complainant have been misappropriated by the petitioners herein. Hence, the case in Crime No.68 of 2020 for the offences punishable under sections 498(A), 406, 294(b) and 506(i) of IPC came to be registered. The petitioners who are the in-laws of the defacto complainant and they have induced A1 and demanded additional dowry. He further submitted that investigation is in progress.

6. Considering the facts and circumstances of the case and also considering the fact that there is no serious allegations against the petitioners and the petitioners are in-laws of the defacto complainant, 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 two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court (Magistrate level) , Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with common surety 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 second and third petitioners shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation. Further, the first petitioner shall report before the respondent Police as and when required for 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2021

/ 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



TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT (MAGISTRATE LEVEL) ,
MADURAI.

2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY.

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

ORDER

IN

CRL OP (MD) No.16110 of 2020

Date : 04/01/2021

vsg

AE/SMA/SAR-III (20/01/2021) 4P / 5C