



WEB COPY

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

Date : 19/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17393 of 2021

1.Smt.Kalpana
2.Smt.Kaladevi
3.G.Suresh

... Petitioners/Accused No.04 to 06

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
Cr.No.48 of 2021.

... Respondent/Complainant

For Petitioner : M/s.SARAVANAN.G,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

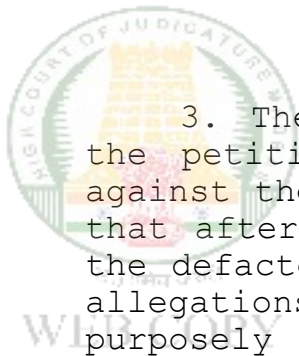
PRAYER :-

For Anticipatory Bail in Crime No.48 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused No.1 to 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 I.P.C., in Cr.No.48 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the younger brother of the petitioners 1 and 2 are husband and wife and the defacto complainant has alleged that the accused, by retaining the jewels and other articles of the defacto complainant, demanded more dowry and harassed her. Hence, the present complaint is lodged.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. The learned Counsel for the petitioners would submit that after filing the petition for restitution of conjugal rights, the defacto complainant has lodged a complaint reiterating the same allegations and also implicating the sisters of her husband purposely and that the first petitioner is residing in Neyveli Township, Cuddalore District and the petitioners 2 and 3 are residing in Villupuram, having nothing to do with the alleged occurrence. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the State would submit that after conducting petition enquiry in P.No.531 of 2021, F.I.R., came to be registered in Cr.No.48 of 2021 for the offences under Sections 498(A) and 406 I.P.C., and that they have referred the matter to the Social Welfare Committee and awaiting report.

5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

6. Admittedly, the petitioners 1 and 2 are the sisters-in-law of the defacto complainant and the third petitioner is the husband of the second petitioner. It is not in dispute that the marriage between one Gopinath - brother of the petitioners 1 and 2 and the defacto complainant was solemnised on 06.09.2018 and they were blessed with a male child. It is also not in dispute that the defacto complainant had already filed a petition under Section 9 of the Hindu Marriage Act praying for restitution of conjugal rights in H.M.O.P.No.450 of 2021 and that the same is pending on the file of the Family Court, Madurai.

7. Considering the fact that there existed matrimonial dispute between the first accused and the defacto complainant and also considering the nature of the charges levelled against the petitioners and also the fact that the petitioners are not having any bad antecedents as stated by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court in the Magisterial Level, Madurai, Madurai District, 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 respondent Police or to the Police Officer, who intends to arrest or to the



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 10.30a.m., for period of one month and thereafter 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;

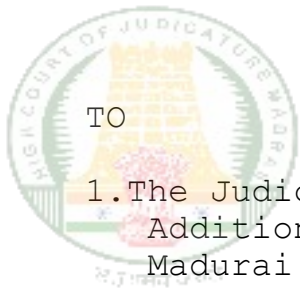
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/11/2021

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/ /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,
Additional Mahila Court in the Magistrate Level,
Madurai District.

2.Do Through The Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.M.Thirunavukkarasu, Advocate (SR-35378)

ORDER

IN

CRL OP(MD) No.17393 of 2021

Date :19/11/2021

RS/PN/SAR2 (24.11.2021) 4P 6C