



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

Date : 26/11/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18629 of 2021

1. VINOTH KANNAN
2. T.GANESHAN
3. SANTHI

... PETITIONERS/1ST PETITIONER ACCUSED
RANK NO.1 2ND AND 3RD PETITIONER'S
RANK NOT KNOWN.

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
(CRIME NO.6 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.V.Selvakumar,
Advocate.

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

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

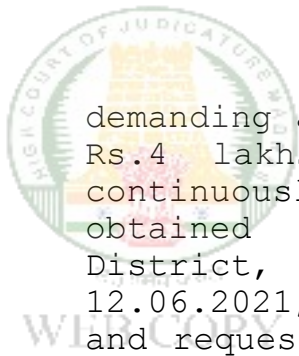
PRAYER :-

For Anticipatory Bail in Crime No.6 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners /Accused (rank not known), who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 323, 406 and 506 (i) of IPC, in Crime No.6 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are the husband and wife and the petitioners 2 & 3 are in-laws of the defacto complainant. She was working as Veterinary Doctor at Perumpakkam, Chennai. The first petitioner is running a hotel at Thuraipakkam, Chennai, and both were living at Perumpakkam. At the time of marriage the defacto complainant was given 60 sovereigns of gold jewels as sridhana. Within 15 days of marriage, the petitioners have pledged 50 sovereigns of gold jewels without getting consent from her and continuously harassed her by



demanding additional dowry. Hence, she applied for loan for sum of Rs.4 lakhs and handed over the same to him. But, she was continuously harassed by him. Unable to tolerate his harassment, she obtained transfer to Singampunari Vet Dispensary, Sivagangai District, and lived with her mother. In such circumstances, on 12.06.2021, without any intimation, he came to her mother's house and requested her to speak personally. Thereafter, he took her in his car and insisted her to sell the house, which is standing in her name in Othakadai, Madurai District. When the same was refused by her, he brutally attacked her. Hence the complainant.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petitioner harassed the defacto complainant by demanding additional dowry.

5.Considering the seriousness and gravity of the offence alleged against the first petitioner, this petition is dismissed as against the first petitioner is concerned. But, however, considering the nature of charges levelled against the petitioners 2 & 3 and also the fact that they are the parents of the first petitioner and that the petitioners 2 & 3 are not having any previous case for serious offence as stated by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3 with certain conditions.

6. Accordingly, the petitioners 2 & 3 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, Thiruppathur, on condition that the petitioners 2 & 3 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 satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners 2 & 3 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 2 & 3 shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation.

(c)the petitioners 2 & 3 shall not tamper with evidence or
<https://www.mca21.gov.in/user> during investigation or trial;



(d) the petitioners 2 & 3 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 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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/-
26/11/2021

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

ORDER IN
CRL OP(MD) No.18629 of 2021
Date : 26/11/2021

dss
USK/VR/SAR-IV/ (02.12.2021) 3P-5C