



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) No.12279 of 2021

1. RAGHAVAN
2. PRABHAVATHI
3. PAVITHRA
4. PRASANNA VENKADESH

... PETITIONERS/ACCUSED Nos.1 TO 4

Vs

1. STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.23 OF 2021)

... RESPONDENT/COMPLAINANT

- (*) 2 VITHYA LAKESHMI

... 2nd RESPONDENT

(*) R2 SUO MOTU IMPLEADED AS PER
ORDER OF THIS HONOURABLE COURT
DATED 14.12.2021 IN CRL.OP(MD)
NO.12279/2021.

For Petitioner : M/S.KUMARAVEL.K, Advocate.

For Respondent 1 : M/S.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.23 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 506 (i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.23 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the defacto complainant and the first and second petitioners' son namely Vinoth kumar on 29.08.2012. Due to financial crisis, the said Vinoth kumar committed suicide on



09.09.2019 and thereafter, the defacto complainant is living with her parents. Subsequently, there was some dispute arose between the defacto complainant and the petitioners regarding the maintenance. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the deceased had taken so many loans, that since he was not able to repay debt amounts, he had committed suicide. He would further submit that the defacto complainant with sole intention to harass the petitioners has lodged the complaint on 17.09.2020 before the All Women Police Station, Paramakudi and after enquiry, the complaint was ordered to be closed, directing the parties to workout their remedy before the Civil Court and that thereafter, the second petitioner has filed a civil suit in O.S.No26 of 2021 against the defacto complainant on the file of the Sub-Court, Paramakudi for partition and the same is pending.

4.The learned counsel for the petitioners would further submit that thereafter the defacto complainant has lodged the above complaint and that since she has not turned up for enquiry before the Social Welfare Officer and also turned up after receipt of summons, has been harassing the petitioners continuously.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that after completing enquiry the Social Welfare Officer, Ramanathapuram has submitted a report stating that both the parties are raising allegations each other and that the defacto complainant has not produced any materials to show that the petitioners had caused dowry harassment.

6.When the matter was taken up for hearing on 14.12.2021, this Court has suo-motu impleaded the defacto complainant/second respondent and ordered notice. Despite the receipt of Court notice, the defacto complainant has not turned up.

7.Admittedly, the marriage between the defacto complainant and the first and second petitioners' son was solemnized on 29.08.2012 and that thereafter, the husband of the defacto complainant had committed suicide on 09.09.2019.

8.When the matter was taken up on 26.08.2021, considering the nature of the offence and also the relationship between the parties and to find out the possibility for settling the issue, the matter was referred to District Social Welfare Committee and this Court has granted interim protection to the petitioners.

9.Considering the facts and circumstances of the case considering the facts that the civil suit for partition is pending between the parties, that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side) and also the fact that the defacto complainant's husband has



already committed suicide on 09.09.2019 and taking note of the report filed by the Social Welfare Officer, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, 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 Judicial Magistrate No.II, Ramanathapuram 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 satisfaction of the learned Magistrate 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 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 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/-

08/03/2022

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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 NO.II
RAMANATHAPURAM

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.KUMARAVEL K Advocate SR.No.1898

ORDER

IN

CRL OP(MD) No.12279 of 2021

Date :08/03/2022

SA/VR/SAR.3/18.03.2022/4P/6C