



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

RESERVED ON : 21/03/2022

PRONOUNCED ON: 30/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.20118 of 2021

1. Sahaya Suresh
2. Rajendran
3. Lurdhumary
4. Nirmala

... Petitioners/ Accused 1 & 4

Vs

1. State represented by
The Inspector of Police,
Thiruverumbur Police Station,
Thiruverumbur,
Trichy District.
(Crime No.241 of 2021)

... Respondent/Complainant

2. Kalaiselvi

... Petitioner/Intervener/
Defacto Complainant

For Petitioners: Mr.K.Arunraj,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Crl. Side).

For Intervenor : Mr.R.Maheswaran,
Advocate.

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

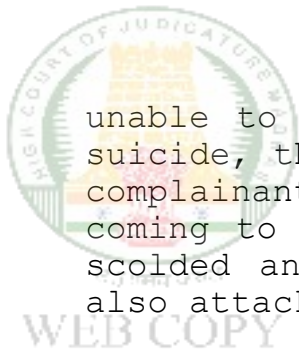
PRAYER :-

For Anticipatory Bail in Crime No.241 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 294(b), 323, 406 and 506(2) IPC r/w Section 4 of Tamilnadu Prohibition of Women Harassment Act, in Crime No.241 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/accused retained the jewels, scooter and cash received by them at the time of marriage as alluring, that the defacto complainant's daughter



unable to tolerate the dowry demands and harassments had committed suicide, that the petitioners/accused have never allowed the defacto complainant to see her grandchildren, that on 22.07.2020, after coming to know about the lodging of the complaint, the petitioners scolded and abused the defacto complainant in filthy language and also attacked her mercilessly. Hence, the complaint.

3.The petitioners' case is that they did not involve in the allegations levelled in the FIR and they are no way connected with the alleged occurrences, that the defacto complainant has lodged the above complaint for grabbing the amount from the petitioners family, that the respondent police has registered the case for statistical purpose only and that therefore the petitioners may be granted anticipatory bail.

4.Admittedly, the marriage between the first petitioner and the daughter of the defacto complainant was solemnised on 07.06.2015 and due to their wedlock, they had a son, who is now 3 years old and that the second petitioner is the brother, the third petitioner is the mother and the fourth petitioner is the sister of the first petitioner.

5.It is not in dispute that the daughter of the defacto complainant/wife of the first petitioner had committed suicide on 07.04.2019 and that the case is pending against the petitioners 1 to 4 in Crime No.101 of 2019.

6.According to the defacto complainant/intervenor, her daughter had committed suicide as she could not tolerate the dowry demands and harassment at the hands of the petitioners/accused.

7.It is the specific case of the defacto complainant that as per the demands made by the petitioners/accused 23 sovereigns of gold jewels, a scooter having value of Rs.3,75,000/- and house site having value of Rs.87,500/- in the name of the defacto complainant's daughter and a TVS scooty having value of Rs.65,000/- and that thereafter after selling her house, she had given a sum of Rs.5,00,000/- as dowry.

8.The learned counsel for the intervenor would submit that even after the death of the defacto complainant's daughter, the petitioners have not allowed the defacto complainant to see her grandson, who is now with the petitioners and that the petitioners had not chosen to return the jewels and other articles received as dowry. He would further submit that at the time of enquiry before the Thiruverumbur police, the petitioners 1 and 3 had specifically agreed to return the articles received as dowry and also the house site and also agreed to permit the defacto complainant to see her grandson, that they have given specific statement before the concerned police and that thereafter they have failed to return the



9. Moreover, the defacto complainant has referred two incidents, in which, the defacto complainant was abused in filthy language and caused criminal intimidation and that in the second incident, they have also attacked her mercilessly.

10. The learned Government Advocate (Criminal Side) would submit that though the petitioners agreed to return the jewels and other articles, they have not chosen to comply with the undertaking given by them.

11. It is evident from the records that the matter was referred to mediation, but mediation report has been received stating that mediation ended in failure.

12. Considering the seriousness and gravity of the offence alleged as against the first petitioner / first accused and also the quantum of jewels, cash and the vehicles allegedly retained by the first petitioner and his failure to return the same despite the undertaking to return the same before the police and that investigation is pending as stated by the learned Government Advocate (Criminal Side) this Court is not inclined to grant anticipatory bail to the first petitioner. But at the same time, considering the fact that the other petitioners are brother, sister and mother of the first petitioner and also taking note of the general allegations levelled against them and that they are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

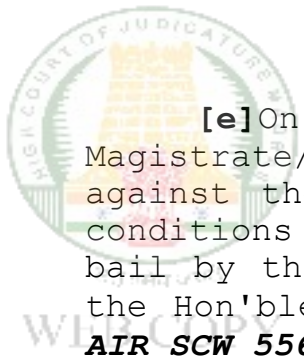
13. Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Additional Mahila Court, Trichy, on condition that the petitioners 2 to 4 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 learned Magistrate concerned and on further conditions that:

[a] the petitioners 2 to 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c] the petitioners 2 to 4 shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 2 to 4 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 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/03/2022

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/ /2022
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, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUVERUMBUR POLICE STATION,
THIRUVERUMBUR, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-2755[I] dated 31/03/2022)

ORDER
IN
CRL OP(MD) No.20118 of 2021
Date : 30/03/2022

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