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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.04.2023

PRESENT

The Hon`ble **Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD) . No.7347 of 2023

1.C.Samikan
2.S.Padmavathi
3.S.Renuga Devi
4.R.Thanga Vennila

... Petitioners/A2 to A5

Vs

1.State rep., by
The Inspector of Police,
All Women Police Station,
Kanyakumari District.
(Ref Crime No.14 of 2023)

... 1st Respondent/Complainant

2.A.V.Iswarya

... 2nd Respondent/Defacto Complainant

For Petitioner : Mr.B.Chakkaravarthi
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R2 : Mr.G.Anto Prince

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

PRAYER :-

For Anticipatory Bail in Crime No.14/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 of I.P.C., Section 3(1), 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.14 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the second respondent got married with one Selvaprabhakar, who is the son of the first petitioner on 05.06.2017. from the date of marriage itself, the second respondent was tortured by the above said Selvaprabhakar and the petitioners herein. Therefore, he lodged a complaint before the first respondent on 02.08.2022. however, it was considered before the Additional Mahila Court, Kanyakumari in Crl.M.P.No.1449 of 2022



for appropriate action. The learned Judge vide order dated 23.02.2023 issued a direction to the first respondent to take appropriate action based on the complaint given by the second respondent. Hence, the FIR was registered in Crime No.14 of 2023 for the alleged offences under Sections 498(A), 406 of IPC and Section 3(1), 4 and 6 of Dowry Prohibition Act. Hence, the case.

3.The learned counsel for the petitioners would submit that already the husband of the de-facto complainant filed a petition for restitution of conjugal rights and the same is pending in H.M.O.P.No.601 of 2022 on the file of the Family Court, Nagercoil, Kanyakumari. That apart, the de-facto complainant also filed a complaint under the Domestic Violence Act in DVOP.No.45 of 2022 on the file of the Additional Mahila Court, Judicial Magistrate Level, Nagercoil and the same is also pending.

4.The learned counsel for the intervenor would submit that a sum of Rs.4,00,000/- was transferred to the account of the first petitioner herein.

5.Heard both sides and perused the materials available on record including the First Information Report.

6.It is seen that the petitioners are in-laws of the de-facto complainant. During the marriage, the de-facto complainant had presented 100 sovereigns of jewels and cash nearly Rs.20 lakhs as dowry. It is also seen from the statement of account produced by the learned counsel for the defacto complainant, it revealed that so far the petitioners received nearly Rs.20 Lakhs. However, the petitioners, to show their *bona fides*, are ready and willing to deposit a sum of Rs.15,00,000/- to the credit of Crime No.14 of 2023 before the learned Magistrate.

7.Considering the facts and circumstances of the case and also considering the fact that the petitioners, to show their *bona fides*, are ready and willing to deposit a sum of Rs.15,00,000/- to the credit of Crime No.14 of 2023 before the learned Magistrate, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

8.Accordingly, the petitioners shall jointly deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the credit of Crime No.14 of 2023 before the learned Additional Mahila Court (Criminal), Kanyakumari, without prejudice to their rights and contentions.

9.On such deposit being made, 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 on which the order copy made ready, before the learned Additional Mahila Court (Criminal), Kanyakumari, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of



the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 first petitioner 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; and the petitioners 2 to 4 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].

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

sd/-

21/04/2023

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/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj/Rmk

TO

- 1 THE ADDITIONAL MAHILA JUDGE,
(CRIMINAL), KANYAKUMARI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



+1 CC to M/s.ANTO PRINCE.G, Advocate (SR-6324[I] dated 21/04/2023)
+1 CC to M/s.CHAKKARAVARTHI.B, Advocate (SR-6407[I] dated
24/04/2023)

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ORDER

IN

CRL OP (MD) No.7347 of 2023

Date :21/04/2023

SS/SSS/SAR III/04/05/2023/4P/6C