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Crl.O.P.No.11822 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11822 of 2024

1. Madhan Kumar
S/o.Subramani

2. Subramani
S/o.Rajappan

3. Pushpavalli
W/o.Subramani

... Petitioners/ Accused 1 to 3

Versus

State rep. by
The Inspector of Police,
AWPS – Dharmapuri Police Station,
Dharmapuri District.
(Crime No.14 of 2024)

... Respondent/Complainant

PRAYER:

Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.14 of 2024 on the file of the respondent police.

For Petitioners : Mr.Thirumoorthy D.

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners on 13.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2. The petitioners/ A1 to A3 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 498(A) of the Indian Penal Code, 1860 (Act No.45 of 1860) read with Section 4 of Dowry Prohibition Act, 1961 in Crime No.14 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the marriage between the first petitioner and *de facto* complainant was solemnized on 13.03.2022; that the second petitioner is the father-in-law and third petitioner is the mother-in-law of the *de facto* complainant; that subsequent to the marriage, the petitioners insulted her for bringing less dowry with her, demanded more dowry from the *de facto* complainant, verbally abused her and even physically attacked her and thus, caused cruelty to her. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners



are innocent persons and due to some matrimonial dispute, a false case has been foisted against the petitioners. He further submitted that the petitioners have permanent residence and have deep roots in the Society and that they are ready to obey the conditions, if any, imposed by this Court. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.

5. The learned Government Advocate (Crl.side) appearing for the respondent-Police submitted that totally, there are three accused; that the first petitioner and the *de facto* complainant are husband and wife; that the petitioners harassed the *de facto* complainant and demanded dowry. He further submitted that if this Court grants pre-arrest bail to the petitioners, the petitioners will be emboldened to cause threat to the *de facto* complainant and witnesses and thereby, delay the investigation. He further submitted that the investigation is not yet completed. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. There is a matrimonial dispute between the petitioner and *de-facto* complainant. The petitioner has a permanent residence and deep roots in the



society and there is less possibility of absconding. Considering the nature of the dispute between the petitioner and the *de-facto* complainant, this Court is of the view that the custodial interrogation of the petitioners may not be necessary for investigation of the case on hand.

8. Considering the above facts and circumstances of the case, the nature of the offences alleged to have been committed by the petitioners and with a view to offer an opportunity to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the **Additional Mahila Court, Dharmapuri**, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned **Additional Mahila Court, Dharmapuri**;

(ii) The first petitioner shall appear and sign before the **respondent police, daily at 10.00 a.m., and 5.00 p.m.**, until further orders;



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(iii) The petitioners 2 and 3 shall appear and sign before the respondent police weekly twice i.e., Monday and Friday at 10.00 a.m., until further orders;

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The Additional Mahila Court shall obtain a copy of any one of identity proofs to ensure their identity;

(v) The petitioners shall make themselves available for interrogation by police as and when required;

(vi) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(vii) The petitioners shall not leave India without the prior permission of the Court; and



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(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

16.05.2024

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

mk/ms

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



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- To
1. The Additional Mahila Court,
Dharmapuri.
 2. The Public Prosecutor,
High Court, Madras.
 3. The Inspector of Police,
AWPS – Dharmapuri Police Station,
Dharmapuri District.



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R.SAKTHIVEL, J.

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