

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Friday, this the 21st day of August -2020.

Crl.M.P.No.3652/2020

1. Chellapandi, S/o.Pandi
 2. Pandi, S/o.Periyakaruppadevar
 3. Thangapandi, S/o.Pandi
 4. Selvi, W/o.Thangapandi
- ... Petitioners/Accused.

Vs

State through the Inspector of Police,

Usilampatti AWP.S. Cr.No.57/2016

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.I.C.Soundarapandian, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Anticipatory Bail application u/s. 438 of Cr.p.c.
2. The offences alleged are U/s. 498(A) IPC and Sec. 4 of Dowry Prohibition Act.
3. Heard.
4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that a case has been registered against the accused in Cr.No.57/2016 of Usilampatti AWPS U/Sec.498(A) IPC and Sec. 4 of Dowry Prohibition Act. The marriage of the 1st accused and defacto complainant was held in the year 2006. Due to misunderstanding between them, the 1st accused has filed a divorce petition in HMOP.303/2014 before the III Additional Sub Court, Madurai and the same was allowed on 26.6.2015. The petitioner is paying maintenance amount to the defacto complainant till date, as per order in M.C.No.16/2017 by the Judicial Magistrate, Usilampatti. After getting divorce,

false case has been lodged against the petitioners by the defacto complainant on 22.12.2016. Hence he prays to grant anticipatory bail to the petitioner.

5. The learned public prosecutor would submit that there are totally 5 accused in this case. The petitioners are A1, A2, A4 and A5. The A1 is the husband and other accused are in-laws of the defacto complainant. The marriage of the petitioner and defacto complainant held in the year 2006. All the petitioners harassed the defacto complainant for more dowry. The defacto complainant is living separately with 2 children aged about 8 years and 5 years. He placed his objection in granting anticipatory bail to the petitioners.

6. This court has carefully perused the available records and arguments put forth on either sides. The learned counsel for the petitioners would submit that the 1st accused has got divorce on 26.6.2015. It is stated that the date of occurrence was on 25.11.2015 and date of complaint was on 22.12.2016. After getting divorce, there is no chance for demanding dowry and harassment. This is the case of the year 2016. So far, the respondent police has not taken any steps to arrest the petitioners. The investigation might have been completed by this time. Therefore, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition.

7. In the result, in the event of arrest or on their surrender before the Court concerned, the petitioners are ordered to be enlarged on anticipatory bail on their executing own bond each for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) After a period of 6 weeks, the petitioners should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders.

(ii) The petitioners shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in ***P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560***. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 21st day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Usilampatti AWP.S.
3. The Petitioner through his counsel.