

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Monday, this the 18th day of January -2021.

Crl.M.P.No.817/2020

1. Arun @ Gopal
2. Lakshmi
3. Vijayan
4. Tharani
5. Palanikumar

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Melur AWP.S. Cr.No.12/2019

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.V.A.Dhana Aravindh balaji, Advocate for the petitioners 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 offence alleged are under Section 498(A), 417, 506(ii) of IPC & Sec.4 of DP Act.
3. Heard both sides.
4. The learned counsel for the petitioners would submit that the 1st petitioner is the husband of the daughter of the defacto complainant, the petitioners 2 and 3 are her father-in-law & mother-in-law and the petitioners 4 & 5 are relatives of other petitioners. The marriage between the 1st petitioner and the daughter of the defacto complainant in the year 2011. Due to family dispute the case has been registered against the petitioners. The matter has been referred to mediation for amicable settlement, but the defacto complainant

parties do not turn up for settlement. Now, the matter has not been settled. Since the case is pending more than one year, the learned counsel prays to grant anticipatory bail.

5. The learned Public Prosecutor has submitted that the marriage between the 1st petitioner and his wife was taken place in the year 2011 and they are having children. After marriage the petitioners started demanding dowry. Even after first child birth, the petitioners did not visit the wife for seeing the infant. They have deserted the wife with children. The petitioners are arranging for 2nd marriage to the 1st petitioner. Though the matter was sent to mediation, settlement was not arrived. The investigation is pending and raised strong objection.

6. The petitioners have been charged for the offence under Section 498(A), 417, 506(ii) of IPC & Sec.4 of DP Act. Already the matter was sent to mediation, but not settled. The case is registered in the year 2019 and still investigation is pending and charge sheet is not filed. The mother of the wife is the defacto complainant. The issue is relating to the matrimonial dispute. The petitioners 2 to 5 are father-in-law, mother-in-law and relatives of the wife. Hence, considering relationship and other facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with condition. Considering the overtact against the 1st petitioner, who is the husband of the daughter of the defacto complainant, this Court is not inclined to grant anticipatory bail to him.

7. In the result in the event of arrest or on their surrendering before the Court concerned the petitioners 2 to 5 are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- each with two sureties each for a likesum to the satisfaction of Judicial Magistrate, Melur subject to the following conditions:-

(i) The petitioners shall surrender before the Court concerned within 15 days from today without fail.

(ii) The petitioners shall appear and sign before the Inspector of police, respondent police station daily at 10.00 a.m. until further orders.

(iii) The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.

8. 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 even though anticipatory bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **Shaji/Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

9. In respect of the 1st petitioner, the petition is dismissed.

Pronounced by me in Open Court on the 18th day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.Melur.
2. The Inspector of Police, Melur AWP.S.
3. The Petitioners through his counsel.