



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

Thursday, the Eighth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3393 of 2018

1 S.NAGOOR KHAN

2 N.SOUDHA KHAN

3 KURSHITHA FATHIMA

... PETITIONERS/ACCUSED Nos.2,3 & 4

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, NAGERCOIL,

KANYAKUMARI DISTRICT.

(CR.NO.09/2018)

... RESPONDENT / COMPLAINANT

RAFIA FATHIMA

...PETITIONER/DEFACTO COMPLAINANT

For Petitioner : MR.R.MAHESWARAN for M/S.K.SURESH KUMAR Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

FOR INTERVENOR : MR.P.T.RAMESH RAJA,Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused nos.2 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 of IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.9 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have demanded additional dowry from the defacto complainant and also ill treated her. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.



4. The learned counsel appearing for the intervenor submitted that A1, who is the husband of the defacto complainant, abused her in filthy language and also induced her to commit suicide.

5. The learned Government Advocate (Criminal Side) would submit that it is a matrimonial dispute and the investigation of the case is pending.

6. The submissions made by the learned counsel appearing on either side are considered.

7. It is alleged, during the time of occurrence, the father of the defacto complainant gave 200 sovereigns of gold jewels and one Skoda Car worth about Rs.15,00,000/- as Sri Dhana property. Subsequent to the marriage, the husband of the defacto complainant was regularly demanding the money from the defacto complainant for buying another car. Even though the husband of the defacto complainant filed a GWOP, on going through the entire averments made in the complaint, it would reveal that the defacto complainant made allegation only against her husband. But, in this application, the husband is not a party to the proceedings and only the parents -in - law of the defacto complainant filed this petition for granting anticipatory bail. Since the offence committed by the petitioners is a matrimonial one, considering the verdict of the Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar and another reported in 2014(8) Scale 250, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

8. Accordingly, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Nagercoil, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall appear before the respondent Police daily 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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].

sd/-

08/03/2018

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT. CR.NO.09/2018

+1. CC to M/S.K.SURESH KUMAR Advocate SR.No.3706

ORDER

IN

CRL OP(MD) No.3393 of 2018

Date :08/03/2018

AM/SKN RSK/SAR 4/09.03.2018/3P/6C