



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

Friday, the Sixteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4152 of 2018

1 JAVID MARAIKAYAR
2 JAFFER MARIKAYAR
3 RAIHANA
4 JAMILA
5 REGINA

... PETITIONERS / ACCUSED 1 to 5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY
(CR.NO. 12/2015).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.PAUL SUKUMAR, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners / A1 to A5, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498(A) and 506(i) I.P.C., in Crime No.12 of 2015, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 06.05.2013. After the marriage, the first petitioner, at the instigation of the other petitioners in this case, demanded more dowry from the defacto complainant's family. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the first petitioner's family members being the in-laws of the defacto complainant demanded 300 sovereigns of gold and BMW Car and also demanded medical equipment to his hospital for Rs.1 crore. According to prosecution, as of now, after completing investigation, charge sheet has been filed and the same was taken on file as C.C.No.371 of 2016 on the file of the learned Additional Mahila Court, Madurai. Moreover, the learned counsel appearing for the petitioners submitted that for the very same offence, another one case has been registered before the Abendeen Police Station, Andaman & Nicobar in Crime No.795 of 2015. So, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they 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, Additional Mahila Court, Magisterial Level, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 report before concerned Court daily at 10.00 a.m. for a period of two weeks, thereafter, as and when required for interrogation.

(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/-
16/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COUR,
MAGISTERIAL LEVEL,
MADURAI.

2 DO TRHOUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.PAUL SUKUMAR Advocate SR.No.4388.

ORDER

IN

CRL OP(MD) No.4152 of 2018

Date :16/03/2018

SDS/MM:PN/SAR.2/27.03.2018/3P/6C