



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7743 of 2018

1 CHOKKAR
2 NAGAJOTHI

... PETITIONERS/ACCUSED No.2 & 3

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
BODI, THENI DISTRICT
CRIME NO.6 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.B.ARUN Advocate

For Respondent : MR.K.SUYMABULINGA BHARATHI,
Government Advocate(Crl.side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 498(A), 406 of I.P.C and Sections 4 of the Dowry Prohibition Act, 1961, in Crime No.6 of 2018, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that these petitioners/accused 2 and 3 along with A1 tortured the de-facto complainant by demanding more dowry and ill-treated her. Hence the de-facto complainant lodged the complaint.

3.The learned counsel for the petitioners submitted that the petitioners/A2 & A3 are the father-in-law and mother-in-law of the defacto complainant and the petitioners are aged persons and they are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that A1 was already granted bail by the learned Principal District Judge, Theni.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police, on instructions, would submit that there are



totally 3 accused in this case and the de-facto complainant filed the complaint stating that the petitioners and A1, ill-treated her by demanding dowry and he would further submit that investigation is pending.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Uthamapalayam, Theni District, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily, at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, 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/-

09/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
BODI, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.B.ARUN Advocate SR.No.8263

ORDER

IN

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Date : 09/05/2018