



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22239 of 2018

1.GOPINATHAN NAIR

2 GEETHA KUMARI THANGACHI

... PETITIONERS 1& 2 / ACCUSED
NOT KNOWN

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT.

(*) (CRIME NO.51 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.R.SREENIVASAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARTHI,
GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections **(**)498(A), 406, 294(b) and 506(i) of IPC and section 4 & 6 of Dowry Prohibition Act, (*) in Cr.No.51 of 2018** seek anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioners son and the defacto complainant took place on 17.04.2016 and out of their wed lock a male child was born on 26.01.2017. Thereafter petitioner along with his parents demanded the defacto complainant's parents to convey the properties which were promised to give to the defacto complainant in the name of their son, since the defacto complainant's parents refused these petitioners harassed the defacto complainant. Hence the defacto complainant made a complaint before the respondent police on 03.06.2018, since the respondent police did not take any action she made a petition under section 156(3) Cr.P.C before the learned Judicial Magistrate No.I, Kuzhithurai, and thereafter as per the direction of the said Magistrate, the present First Information Report came to be registered.



3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence and the defacto complainant left the matrimonial home on her own wish

4. The learned Government Advocate(Crl.Side) would submit that the petitioners demanded more dowry and harassed the defacto complainant

5. Taking into consideration the facts of the case and the submissions by learned counsels ,this Court inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Kuzhithurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation

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

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

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/12/2018

(*)Amended as per order of this Hon'ble Court made in Crl.MP(MD)10653/2018 in Crl.OP(MD)No.22239/18 dated 20/12/2018.

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. I,
KUZHITHURAI

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT

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

+1. CC to MR. M. R. SREENIVASAN Advocate SR.No. 23785

ORDER

IN

CRL OP (MD) No. 22239 of 2018

Date : 20/12/2018

AE/VR MMS/SAR3/21.12.2018/3P/6C