



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

Thursday, the Eighth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.15130 of 2018

1 POOMARI MUTHU
2 PERUMAL
3 GANAPATHYAMMAL

... PETITIONERS / ACCUSED NO.1,2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(REF. CRIME NO.19/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.NIRESH KUMAR Advocate

For Respondent : M/S.K.SUYAMBULINGA 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 alleged offences punishable under Sections 498(A) and 506(ii) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.19 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner got married to the de-facto complainant on 22.06.2008 and the second and third petitioners, who are the father-in-law and mother-in-law of the de-facto complainant. It is alleged that only for a period of one year the de-facto complainant lived happily with the first petitioner and thereafter, the first petitioner started harassing her by demanding additional dowry. It is further alleged that the first petitioner has illegal intimacy with one Uma Maheswari. Hence, she had preferred a complaint.

3. The learned counsel for the petitioner would submit that the matter was referred to the Mediation and Conciliation Centre and



mediation process conducted between the first petitioner and the de-facto complainant ended in failure. He would further submit that taking into consideration with the entire complaint itself, there is no allegation as against the 2nd and 3rd petitioners and the only allegation against the first petitioner is that he demanded Rs.50,000/- which money he is ready to deposit and he denies the allegation of having illicit relationship.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the investigation is pending.

5. Taking note of the facts and circumstances, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, 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 learned Magistrate concerned. The first petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.19 of 2018 and produce the receipt before the Magistrate concerned and on further condition that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of fifteen days, this Order shall stand automatically cancelled without any reference to the Court.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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/-

08/11/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2 -DO- THROUGH THE CHEIF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.R.NIRESH KUMAR Advocate SR.No. 21369

ORDER

IN

CRL OP(MD) No.15130 of 2018

Date :08/11/2018

JM/RR/SAR 2/13.11.2018/3P/6C