



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20340 of 2018

1 RAJAMANI
2 VASANTHA
3 SINTHU
4 RAJESH

... PETITIONERS / ACCUSED NO.2 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
CRIME NO.37/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.XAVIER RAJINI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

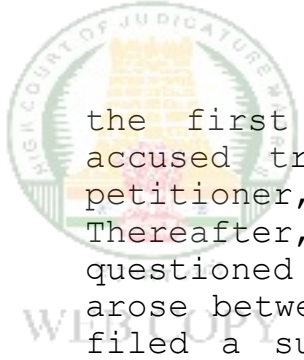
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) IPC r/w and Sections 3(1) and 4 of the Dowry Prohibition Act, in Crime No.37 of 2018, seek anticipatory bail.

2.The case of the prosecution is that petitioners are in-laws of the defacto complainant. There was a property dispute between the petitioners and the defacto complainant pursuant to that there was a wordy quarrel.

3.The learned counsel appearing for the petitioner submits that the petitioners are in-laws of the defacto complainant. The marriage between A1 and defacto complainant took place on 23.04.2015. The first petitioner, who is father of A1, had executed a settlement deed in favour of A1 and that would be effected after the life time of the first petitioner. After the marriage between



the first accused and the defacto complainant, when the first accused try to sale the property executed by his father/first petitioner, the first petitioner cancelled the settlement deed. Thereafter, the first accused, defacto complainant and her brother questioned the same. Pursuant to that, there was a wordy quarrel arose between them. In this regard the first petitioner have also filed a suit in O.S.No.39 of 2017 before the Principal District Munsif, Kuzhithurai, seeking the relief of permanent injunction against the first accused, defacto complainant and his brother. The petitioners are innocent and they have nothing to do with the alleged offences.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that there was a property dispute between the petitioners and the defacto complainant pursuant to that there was a wordy quarrel and the petitioners said to have attacked the defacto complainant.

The allegation in the complaint is only against A1 and not against the petitioners.

5. Considering the above facts and circumstances of the case and also taking note of the fact that the allegation in the complaint is only against A1 and not against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. 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.1, Kuzhithurai, kanyakumari District, 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, on receipt of summons from the respondent.

[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

<https://hcservices.ecourts.gov.in/hcservices/>
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.

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sd/-
14/11/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
 - 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.
 - 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 M/S.S.XAVIER RAJINI Advocate SR.No. 95264

ORDER
IN
CRL OP(MD) No.20340 of 2018
Date :14/11/2018

JM/VR MMS/SAR 2/19.11.2018/3P/6C