



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

Friday, the Twenty First day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22625 of 2018

1.JOSEPH JOY SINGH,
2 MARIA VIYAKULAM,
3 THOMAS,

... PETITIONERS /PETITIONERS/
ACCUSED 1 TO 3

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANNIYAKUMARI DISTRICT.
(IN CRIME NO.26/2018)

... RESPONDENT / RESPONDENT/
DEFACTO COMPLAINANT

For Petitioner : MR.J.JAWAHAR Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 406 I.P.C. and Section 4 of TNPHW Act, 2002 and Section 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.26 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the *de facto* complainant are the husband and wife. The other petitioners are the in laws of the *de facto* complainant. After the marriage, the petitioners were demanded dowry from the *de facto* complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that due to mis-understanding between the first petitioner and the *de facto* complainant, she had left her matrimonial home and went to her parental home. He would further submit that the



petitioners had not committed any offences as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the investigation is pending.

5. Taking into consideration the facts of the case and the submissions made by learned counsel on either side, this Court is 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Judicial Magistrate, Nagercoil, 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 respondent police or the police officer who intends to arrest or 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/-
21/12/2018

/ TRUE COPY /

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

TO

1. THE ADDITIONAL MAHILA JUDICIAL MAGISTRATE,
NAGERCOIL.



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

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

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

ORDER

IN

CRL OP (MD) No.22625 of 2018

Date :21/12/2018

tsg

AE/PN-AC/SAR3/28.12.2018/3P/5C