



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.22691 of 2018**

1 LEELABAI

2 FRANCIS XAVIER(SIVALINGAM) @

SAHAYA FRANCIS

... PETITIONERS / ACCUSED No. 2 & 3

Vs

THE STATE REP. BY,  
THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
NAGERCOIL,  
KANYAKUMARI DISTRICT.  
(CRIME NO. 61 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.T.RAMESH RAJA Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/Accused 2 and 3, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 406, 506(i) I.P.c r/w Sections 3(1), 4, 6 of Dowry Prohibition Act in Crime No.61 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that that the petitioners are mother-in-law and father-in-law of the defacto complainant. The allegation against them is that they pledged the jewels of the defacto complainant and refused to redeem the same.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they had nothing with the alleged crime. Hence, anticipatory bail may be granted to him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, the petitioners are parents of the first accused the more over, they are physically challenged and old aged. He would further submit that matrimonial



disputes are already pending between the first accused and defacto complainant.

5. Considering the facts and circumstances of the case, 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 before the learned Judicial Magistrate, Boothapandi and on their executing 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 and on further condition that

[a] if the petitioners failed 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 JUDICIAL MAGISTRATE  
BOOTHAPANDI, KANIYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
<https://hcservices.ecourts.gov.in/hcservices/>  
KANIYAKUMARI DISTRICT AT NAGERCOIL



3

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

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

WEB COPY

+1. CC to MR.P.T.RAMESH RAJA Advocate SR.No.23874

ORDER

IN

CRL OP(MD) No.22691 of 2018

Date :21/12/2018

MSI/VR/SAR-I/28.12.2018-3P/6C