



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

Friday, the Twenty Third day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.15244 of 2018

1 ANDIVEL
2 CHINNAKALAI
3 AZHAGAMMAL
4 MARIMUTHU

... PETITIONERS / ACCUSED Nos. 1,2,3 & 6

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NILAKOTTAI, DINDIGUL.
(CRIME NO.10/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.LAWRENCE VIMAL RAJ Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 506(i) IPC r/w Sections 3, 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prevention of Women Harassment Act, in Crime No.10 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the wife of the defacto complainant. There was a matrimonial dispute between them. The marriage between them solemnized on 07.06.2015. Due to some misunderstanding, they are living separately. Thereafter, the defacto complainant lodged complaint before the respondent police stating that the petitioners are demanding 3 sovereigns of gold and a sum of Rs.50,000/-, as dowry from her. Hence a case has been registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent, they have not committed any offence as alleged by the prosecution. The first petitioner filed a petition in H.M.O.P.No.54 of 2017, for seeking divorce, which was pending before the learned Principal Subordinate Judge, Dindigul and prayed for anticipatory bail.



4. The learned Additional Public Prosecutor would submit that there was a matrimonial dispute between the first petitioner and the defacto complainant, out of wedlock they have two child. The specific allegation is that the paternity of the child.

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 Judicial Magistrate, Nilakottai, Dindigul 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 first petitioner shall appear before the respondent police for a period of two weeks, thereafter, as and when required for interrogation.

[c] the second, third and fourth petitioners shall appear before the respondent police as and when required for interrogation.

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

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

[f] 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]**.

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

sd/-
23/11/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NILAKOTTAI,
DINDIGUL.

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

+1. CC to MR.S.LAWRENCE VIMAL RAJ Advocate SR.No.21962

ORDER
IN
CRL OP(MD) No.15244 of 2018
Date :23/11/2018

MSI/PN/SAR-II/28.11.2018-3P/6C