



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) Nos.1334 AND 935 of 2019

M.VINOTHKUMAR

... PETITIONER / ACCUSED No. 2
IN CRL OP (MD) No.1334 of 2019

1 M.SUNDARI

2 V.MANUEL

3 B.ANANDA LAKSHMI

... PEITITONERS/ACCUSED Nos. 3,4,5
IN CRL OP (MD) No.935 of 2019

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR,
MADURAI DISTRICT
CRIME NO.19/2018

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : MR.V.OM PRAKASH Advocate
IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners (in both Criminal Original Petitions), who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4 of Dowry Prohibition Act, 1961 and 294(b), 498(A) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2000, in Crime No.19 of 2019, seek anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the 1st accused and the defacto complainant, due to which, the defacto complainant lodged a complaint as against the petitioners herein.



3.The learned counsel for the petitioners would submit that the 1st accused filed a petition in H.M.O.P.No.239 of 2018 as against the defacto complainant for seeking divorce and the defacto complainant had also filed a vexatious petition in D.V.O.P.No.29 of 2018 before the learned Judicial Magistrate, Melur, Madurai District as against the accused Nos.1 to 5 and the same is still pending.

4.Heard the learned Government Advocate (Criminal Side) for the respondent.

5.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners. Considering the nature of submissions and other needs, the defacto complainant's educational certificates have to be secured.

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, Melur, Madurai 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] the petitioners shall appear before the respondent police daily at 10.30.am, for a period of two weeks, thereafter, as and when required for interrogation.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
01/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
MELUR, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR,
MADURAI DISTRICT

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

+2. CC to MR.V.OM PRAKASH Advocate SR.No.2054 & 2055

ORDER

IN

CRL OP(MD) Nos .1334 AND
935 of 2019

Date :01/02/2019

MSI/PN/SAR-I/11.02.2019-3P/7C