



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1391 of 2019

1 SWAMIDHAS
2 KANAGAMMAL

... PETITIONERS/ ACCUSED A2, A3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
CRIME NO.1/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.F.DEEPAK, 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 :-

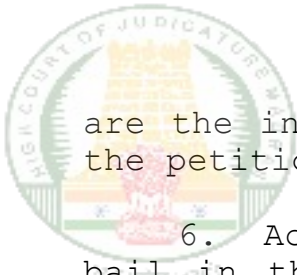
The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 294(b), 323,324,506(i) IPC r/w.3(1),4,6 of D.P.Act, 1961 in Cr.No.1 of 2019 seek anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner's son and the defacto complainant took place on 01.12.2019 as per christian riots and customs. At the time of marriage 83 sovereigns of gold and Rs.5,00,000/- was given. Thereafter the petitioner demanded more dowry and harassed the defacto complainant.

3. The learned counsel for the petitioners would submit that the petitioners are the in-laws and they have nothing to do with the alleged offence.

4. The learned Government Advocate(Crl.Side) would submit it is a case of dowry demand

5. Taking into consideration the facts of the case and the submissions by learned counsels and the fact that the petitioners



are the in-laws, this Court 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, before the learned Judicial Magistrate, Eraniel, 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 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/-

30/01/2019

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL,
KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.F.DEEPAK Advocate SR.No.1852

ORDER IN

CRL OP(MD) No.1391 of 2019

Date :30/01/2019