



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

Wednesday, the Sixth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL.O.P.(MD) Nos.1667 & 1922 of 2019

JAGBAR SADIQUE

... PETITIONER / SOLE ACCUSED
IN CRL OP(MD) No.1667 of 2019

1 SUBAITHA BEGAM

2 SYED ALI

3 PARVEEN BANU

... PETITIONERS/ACCUSED NO.2 TO 4
IN CRL OP(MD) No.1922 of 2019

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PONMALAI ALL WOMEN POLICE STATION,
TRICHY DISTRICT.
CRIME NO.NOT KNOWN OF 2019

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.1667 of 2019

STATE REP. BY
THE INSPECTOR OF POLICE,
GOLDEN ROCK ALL WOMEN POLICE STATION,
TRICHY DISTRICT.
CRIME NO.3 of 2019

... RESPONDENT/COMPLAINANT
IN CRL OP(MD) No.1922 of 2019

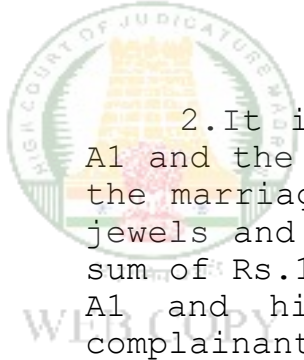
For Petitioner : MR.K.SIVABALAN Advocate
IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 494 and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961 in Cr.No.3 of 2019 on the file of the respondent police, seek anticipatory bail.



2. It is the case of the prosecution that the marriage between A1 and the defacto complainant was solemnized on 29.04.2007. During the marriage, the defacto complainant brought 50 sovereigns of gold jewels and house hold articles worth about Rs.1 lakh and cash for a sum of Rs.1,40,000/- as dowry. Thereafter, in the matrimonial home, A1 and his family members harassed and assaulted the defacto complainant for demanding additional dowry, for which, the respondent police registered a case.

3. The learned counsel appearing for the petitioner would submit that the petitioners did not commit any offence as alleged by the prosecution and the defacto complainant has preferred a maintenance case in M.C.No.25 of 2009 before the District Munsif cum Judicial Magistrate Court, Uthamapalayam, in which, the trial Court directed the petitioner to pay a sum of Rs.4,000/- to the defacto complainant as maintenance. Further, he on instructions submitted that without prejudice to his right, the petitioners are ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as fixed deposit in favour of the children of A1 in the nationalized bank for their future security. Accordingly, the petitioners prayed for anticipatory bail. The learned counsel for the petitioners further contended that the petitioners are ready to abide by any of the conditions that is to be imposed by this Court.

4. The learned Government Advocate (Crl.Side) would submit that if the petitioners shall come forward to deposit the said amount, the anticipatory bail applications to the petitioners may be considered by this Court.

5. Considering the facts and circumstances of this case, 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 Additional Mahila Court (JM level), Trichirapalli, 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 and produce the receipt for payment of Rs.1,00,000/- as fixed deposit in the name of his children in the nationalized bank, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

(g) the petitioners are directed to deposit a sum of Rs.1,00,000/- as fixed deposit in a nationalized bank in favour of the children of A1 for their future security within a period of one week from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioners shall stand vacated automatically.

sd/-
06/02/2019

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL MAHILA COURT (JM LEVEL),
TRICHIRAPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE,
PONMALAI ALL WOMEN POLICE STATION,
TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE,
GOLDEN ROCK ALL WOMEN POLICE STATION,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.K.SIVABALAN Advocate SR.No. 2507 & 2508

ORDER
IN
CRL.O.P. (MD) Nos.1667 & 1922 of 2019
Date :06/02/2019