



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

Tuesday, the Nineteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.181 of 2019

1 KANNAN
2 MANICKAVALLI
3 SELVI
4 CHITRA

...PETITIONERS/ACCUSED Nos.
1 to 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI CITY
Crime No.13/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.C.MAYILVAHANA RAJENDRAN Advocate

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

For Intervener : Mr.M.LINGADURAI, Advocate

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 406, 294(b), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Cr.No.13 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that marriage between the first petitioner and the defacto complainant was solemnized on 25.05.2008 and out of the wed-lock, they have blessed with one female child. The first petitioner and other in-laws harassed the defacto complainant by demanding additional dowry, for which the defacto complainant preferred a complaint before the respondent police.



3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that there is in-compatibility between the mother-in-law and the defacto complainant, for which there was quarrel between them. However, the mother-in-law has no objection to join with the defacto complainant.

4.However, the first petitioner appeared before this Court and adamantly refused to join with the defacto complainant.

5.The learned counsel appearing for the intervenor would submit that the first petitioner harassed the defacto complainant and hence, he would pray for dismissal of this Court.

6.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the allegation is only against the first petitioner and hence, this Court may pass appropriate orders.

7.Considering the attitude of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner, however, this Court is inclined to grant anticipatory to the petitioners Nos.2, 3 & 4.

8.Accordingly, the petitioners Nos.2, 3 & 4 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, Additional Mahila Court, Madurai, on condition that the petitioners Nos.2, 3 & 4 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 who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners Nos.2, 3 & 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners Nos.2, 3 & 4 shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners Nos.2, 3 & 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners Nos.2, 3 & 4 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 Nos.2, 3 & 4 in accordance with law as if the conditions have been imposed and the petitioners Nos.2, 3 & 4 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.

sd/-
19/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, MADURAI.
 2. THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI CITY.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC TO Mr.C.MAYILVAHANA RAJENDRAN ADVOCATE SR.NO.3491

ORDER
IN
CRL OP(MD) No.181 of 2019
Date :19/02/2019

TK/PN/SAR-1/25.02.2019/3P/6C