



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

Tuesday, the Eighth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.215 of 2019

1 JEYALAKSHMI
2 MALA
3 BASKARAN

... PETITIONERS / ACCUSED NO.4 TO 6

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODI, THENI DISTRICT.
IN CRIME NO. 16 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.JEGAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

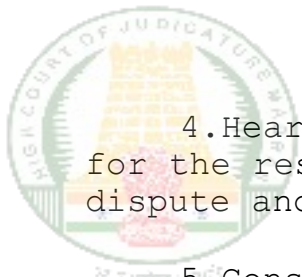
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused 4 to 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 IPC and Section 4 of Dowry Prohibition Act in Crime No.16 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners harassed the defacto complainant demanding additional dowry.

3.The learned counsel for the petitioners would submit that the defacto complainant had already lodged a complaint before the Town Police Station, Bodi in Crime No.894 of 2018. In that complaint, there is no averment with regard to dowry harassment. The petitioners had obtained anticipatory bail in that case. But, now the defacto complainant has lodged a complaint with false allegations against the petitioners. He further submits that co-accused have already been granted anticipatory bail by this Court vide order made in Crl.OP.(MD).No.22918 of 2018, dated 27.12.2018.



4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police, who would submit that it is a matrimonial dispute and investigation is going on.

5. Considering the facts and circumstances of the case and also taking into consideration of the fact that there is no specific averment with regard to dowry harassment and petition for divorce has also been pending, 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 before the learned Judicial Magistrate, Bodi, Theni District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a likesum to the satisfaction of the said Magistrate and on further condition that

[a] if the petitioners failed 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 daily at 10.30 a.m until further orders 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/-

08/01/2019

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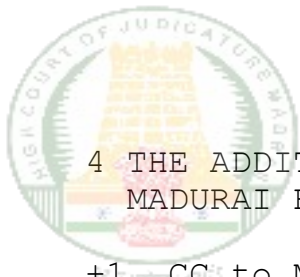
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODI, THENI DISTRICT.



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

+1. CC to M/S.K.JEGAN Advocate SR.No. 469

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ORDER

IN

CRL OP(MD) No.215 of 2019

Date :08/01/2019

JM/VR/SAR 4/10.01.2019/3P/6C