



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

Monday, the Eleventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2147 of 2019

1 MARX @ RAMESH  
2 VIJAYAKUMAR  
3 TAMILSELVI  
4 JEEVA  
5 RAJAPANDI

... PETITIONERS / ACCUSED NO.1 TO 5

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
ARUPPUKOTTAI,  
VIRUDHUNAGAR DISTRICT.  
(CRIME NO.2/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.RAMASAMY 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 apprehend arrest at the hands of the respondent police for the alleged offences under Section 406, 498(A) of IPC and Section 3(1) & (4) of Dowry Prohibition Act, r/w 3 & 4 Tamilnadu Women Harassment Act, in Cr.No.2 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage of the A1 and the defacto complainant was solemnised in the year 2013. Thereafter, they blessed with one female child in the year 2015. Thereafter, the first petitioner along with other accused persons demanded more dowry from the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Accordingly, he prayed for anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that there some serious allegations against the first petitioner/A1 and no serious allegations against the other petitioners who are the in-laws of the defacto complainant.

5. Considering the facts and circumstances of this case and since there are no serious allegations against the petitioners 2 to 5, the petitioners 2 to 5 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, Aruppukottai, on condition that the petitioners 2 to 5 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 2 to 5 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 2, 4 & 5 shall report before the respondent police daily at 10.30 a.m. until further orders; the third petitioner shall appear before the respondent police as and when required for interrogation;

(c) the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 5 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 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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.

6. Since there are serious allegations levelled against the first petitioner, this Criminal Original Petition is dismissed in respect of first petitioner/A1.

sd/-  
11/02/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
ARUPPUKOTTAI,  
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S.RAMASAMY, Advocate ( SR-2816 dated 11/02/2019 )

ORDER  
IN  
CRL OP(MD) No.2147 of 2019  
Date :11/02/2019

JM/JC/SAR 1/13.02.2019/3P/6C