



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2350 of 2019

1.JAISINGH
2 CHANDRA
3 KANCHANA

... PETITIONERS / ACCUSED 1 TO 3

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioners : MR.G.GANESH KUMAR Advocate

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

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 Section 4 of D.P.Act and Sections 294(b), 406, 498(A) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Cr.No.2 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that marriage of the first petitioner was solemnized with the defacto complainant on 04.09.2017 and at the time of marriage 30 sovereigns of gold was given as sridhana and thereafter, due to family dispute, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that based on the complaint given by the defacto complainant, the matter was referred to the Social Welfare Officer and that after enquiry, the Social Welfare Officer filed a report on 18.09.2018 stating that there was no dowry harassment and the report was also produced before this Court.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the Social Welfare Officer filed a report stating that there was no dowry harassment, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pudukkottai, 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 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 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 as and when required;

(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.

sd/-
14/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to MR.G.GANESH KUMAR Advocate SR.No.3111

ORDER

IN

CRL OP(MD) No.2350 of 2019

Date :14/02/2019

AE/VR/SAR-II/19.02.2019/3P/6C