



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.259 & 1944 of 2019

1.K.DHINESHRAJAN
2 S.RANI
3 P.S.SUNDAR

... PETITIONERS / ACCUSED RANK NOT KNOWN
IN CRL OP(MD).NO.259 OF 2019

1.ILLAVARASI
2.W.DAS ANAND
3.VINOTHINI
4.SENTHIL KUMAR

... PETITIONER/ACCUSED NOS.4 TO 7
IN CRL OP(MD).NO.1944 OF 2019

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL.

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

(CRIME NO.NOT KNOWN OF 2019) IN CRL OP(MD).NO.259 OF 2019
(CRIME NO.2 OF 2019) IN CRL OP(MD).NO.1944 OF 2019

For Petitioner : MR.P.SUBBARAJ Advocate
IN BOTH PETITIONS

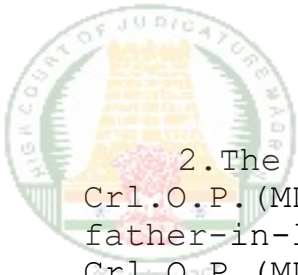
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side) IN BOTH PETITIONS

For Intervenor : MR.T.LAJAPATHI ROY, Advocate
IN CRL OP(MD).NO.259 OF 2019

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 7, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b) and 506 (1) I.P.C., in Crime No.2 of 2019, on the file of the respondent police and hence, seek anticipatory bail.



2.The case of the prosecution is that the petitioners in CrI.O.P.(MD)No.259 of 2019 are the husband, mother-in-law and father-in-law of the de-facto complainant. The petitioners in CrI.O.P.(MD)No.1944 of 2019 are the in-laws of the de-facto complainant. The marriage between A1 and the de-facto complainant was solemnized on 11.02.2018. At the time of marriage, the parents of the de-facto complainant gave 50 sovereigns of gold jewels and other articles as Stridhana. After the marriage, they were blessed with one female child on 11.11.2018 and thereafter, the petitioners continuously harassed the de-facto complainant by demanding additional dowry. Hence, the de-facto complainant lodged the present complaint against the petitioners.

3.The learned counsel appearing for the petitioners submitted that A1 is the husband and the other accused are in-laws of the de-facto complainant and they did not commit any offence as alleged by the prosecution. Initially, the de-facto complainant has given a complaint before the respondent police as if her parents gave 30 sovereigns of gold jewels as Stridhana and in the present complaint, she alleges that her parents gave 50 sovereigns of gold jewels as Stridhana. He further submitted that the de-facto complainant vehemently refused to join with A1, for which, he had already instituted a petition for restitution of conjugal rights before the Family Court, Madurai and in order to defeat the case, the present false case has been foisted against the petitioners and hence, prayed for anticipatory bail.

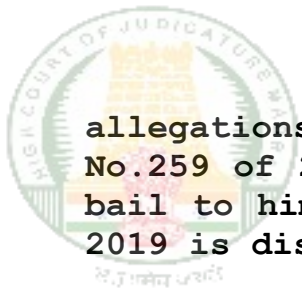
4.The learned counsel appearing for the Intervenor submitted that on earlier occasion, this Court issued a direction to the de-facto complainant to join with the husband/A1. However, on the same date, in the flat owned by A1, the petitioners brutally attacked the de-facto complainant, due to which, she sustained injuries and admitted in the hospital and therefore, there is no possibility of re-union and the petitioners retained the entire Stridhana articles and gold jewels with them and continuously harassed the de-facto complainant by demanding additional dowry and the petitioners are history-sheeters and several cases are pending against him and prayed for dismissal of the Criminal Original Petitions.

5.The learned Government Advocate (Criminal side) submitted that the investigation is at preliminary stage and if anticipatory bail is granted to the petitioners, it will affect the progress of the investigation and prayed for dismissal of the Criminal Original Petitions.

6.On perusal of the FIR, it is seen that the de-facto complainant made allegations against her husband/A1 and also made some allegations against her in-laws in respect of birth of female child.

<https://hcservices.ecourts.gov.in/hcservices/>

7.Considering the facts and circumstances of the case and the



allegations levelled against the first petitioner in Crl.O.P.(MD) No.259 of 2019/A1, this Court is not inclined to grant anticipatory bail to him. Accordingly, Criminal Original Petition (MD)No.259 of 2019 is dismissed in respect of A1.

8. Accordingly, the petitioners 2 and 3 in Crl.O.P.(MD)No.259 of 2019 and the petitioners in Crl.O.P.(MD)No.1944 of 2019 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 No.II, Dindigul, on condition that each of them shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 and 3 in Crl.O.P.(MD)No.259 of 2019 and the petitioners in Crl.O.P.(MD)No.1944 of 2019 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 third petitioner in Crl.O.P.(MD)No.259 of 2019/A3 shall report before the respondent police daily at 10.30 a.m. until further orders. The petitioners 1 and 2 in Crl.O.P.(MD)No.259 of 2019 and the petitioners in Crl.O.P.(MD)No.1944 of 2019 shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 and 3 in Crl.O.P.(MD)No.259 of 2019 and the petitioners in Crl.O.P.(MD)No.1944 of 2019 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 in Crl.O.P.(MD)No.259 of 2019 and the petitioners in Crl.O.P.(MD)No.1944 of 2019 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 2 and 3 in Crl.O.P.(MD)No.259 of 2019 and the petitioners in Crl.O.P.(MD)No.1944 of 2019 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/-
13/02/2019

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TO

1. THE JUDICIAL MAGISTRATE NO. II,
DINDIGUL.

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

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DINDIGUL.

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

+1. CC to Mr. P. SUBBARAJ Advocate SR.No. 3113
+1cc to MR. T. LAJAPPAHI ROY, Advocate in SR.No. 3190

ORDER
IN
CRL OP (MD) Nos. 259 & 1944 of 2019
Date : 13/02/2019

AE/JC/SAR-II/18.02.2019/4P/7C