



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2614 of 2019

1 UKKIRAPANDIAN

2 MAHADEVI

3 SAGUNTHALA

... PETITIONERS/ACCUSED RANK No.1 to 3

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT,
CRIME NO.5/2019

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.J.CHAKKARAVARTHY, Advocate

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

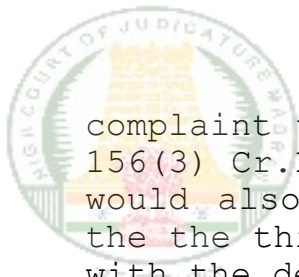
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Section 498(A) IPC r/w Section 4 of Dowry Prohibition Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Cr.No.5 of 2019, 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 08.06.2018 at Arulmigu Thirumeni Nadar Thirukovil. After the marriage, there is no compatibility between the defacto complainant and the first petitioner and the petitioners demanded additional dowry. Hence, the complaint.

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 at the first instance, the defacto complainant preferred a complaint before the respondent police, however, the Law Enforcing Agency refused to register the case and thereafter, private



complaint was preferred before the learned Magistrate under Section 156(3) Cr.P.C., and thereby, the case was came to be registered. He would also submit that the second petitioner is mother-in-law and the the third petitioner is sister-in-law and they are nothing to do with the defacto complainant.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that based on the direction issued by the learned Magistrate, a case was registered. He would further submit that there is no serious allegations as against the second and third petitioners and the defacto complainant made allegations only against the first petitioner.

5.Considering the facts and circumstances of the case and considering the fact that it is a family dispute and there is no serious allegations as against the second and third petitioners, this Court is inclined to grant anticipatory bail to the petitioners Nos.2 & 3 alone, however, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed as against the first petitioner.

6.The petitioners Nos.2 & 3 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, Virudhunagar District, 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 Nos.2 & 3 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 shall report before the respondent police as and when required;

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

(d)the petitioners Nos.2 & 3 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 in accordance with law as if the conditions have been imposed and the petitioners Nos.2 & 3 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/-
20/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT 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 MR.S.J.CHAKKARAVARTHY, Advocate SR.No.3373

ORDER
IN
CRL OP(MD) No.2614 of 2019
Date :20/02/2019

GNS
PK/PN/SAR-4/05.03.2019 : 3P/6C