



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.2851 & 2852 of 2019

1.JOSPIN KALAIYARASI,
2 RAJAMONI,
3 DHANISLAUS @ DEVASAHAYAM,
4 MURUGAN,

... PETITIONERS / ACCUSED 2 TO 5
IN CRL OP(MD).NO.2851 OF 2019

R.ASWIN

... PETITIONER/ACCUSED 1
IN CRL OP(MD).NO.2852 OF 2019

Vs

STATE OF TAMIL NADU,
REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUZHITHURAI, KANYAKUMARI DISTRICT.
(CRIME NO.50/2018)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.S.TITUS Advocate
in both petitions

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

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

ORDER : The Court Made the following order :-

The petitioners in both petitions, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498 A, 406 IPC and Section 4 & 6 of Dowry Prohibition Act, in Cr.No.50 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the A1 and the defacto complainant's daughter are husband and wife. Their marriage was solemnised on 14.05.2018. Thereafter, there is no compatibility in between them and the petitioners demanded more dowry from the defacto complainant.

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. The defacto



complainant's daughter is affected by mental illness. Therefore, she was taken treatment in Manoshanth Hospital, Nagercoil. Suppressed all these facts, the marriage was solemnised and there is no matrimonial life between them and a case in IDOP No.361 of 2018 is also pending before the Court below. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that A1 is the husband of the defacto complainant and others are in-laws and the investigation is still pending.

5.Considering the facts and circumstances of the case and a case is already pending before the competent Court, this Court is inclined to grant anticipatory bail to the petitioners in both petitions. Accordingly, 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 No.I, Padmanabhapuram, 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 learned 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 for interrogation;

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

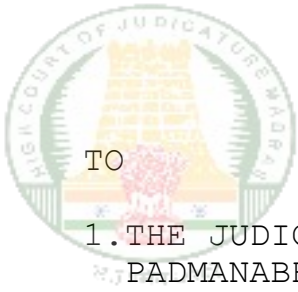
(d)the petitioners shall not abscond either during investigation or trial;

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.1,
PADMANABHAPURAM.

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

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUZHITHURAI, KANYAKUMARI DISTRICT.

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

+2. CC to M/S.S.TITUS Advocate SR.No.49979,49980

ORDER
IN

CRL OP(MD) Nos.2851 & 2852 of 2019
Date :25/02/2019

AE/JC/SAR-II/28.02.2019/3P/7C