



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2972 of 2019

1.MOHAMMED ASHIEK
2 MUSTAFA
3 SAKILA
4 RAKSHANA

... PETITIONERS / ACCUSED NOS.1 TO 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN,
MADURAI.
(CRIME NO.1/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.JEGADEESH PANDIAN Advocate

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

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

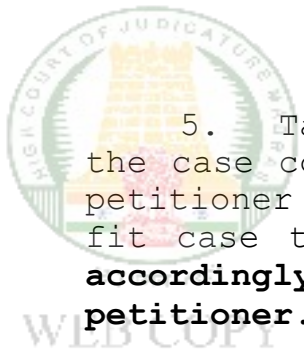
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 323 of IPC and Section 4 of TNPHW Act in Crime No. 1 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place on 22.08.2019. After some year the petitioners started harassing the defacto complainant demanding more dowry. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have not demanded any dowry as alleged by the prosecution and hence he prayed for anticipatory bail.

4. The learned Government Advocate(Crl.Side) appearing for the state would submit that investigation is pending.



5. Taking into consideration the fact and circumstances of the case considering the allegations are levelled against the first petitioner, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the first petitioner and **accordingly, this petition is dismissed in respect of the first petitioner.**

6. As regards the petitioners 2 to 4 they are only in-laws and no specific allegation against them, this Court is of the view that, some indulgence can be shown to them and therefore, this Court is inclined to grant anticipatory bail to petitioners 2 to 4.

7. Accordingly, the petitioners 2 to 4 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 Additional Mahila Court, Madurai on condition that the petitioners 2 to 4 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 to 4 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 2 to 4 shall appear before the respondent police as and when required for interrogation.

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 4 shall not abscond either during investigation or trial.

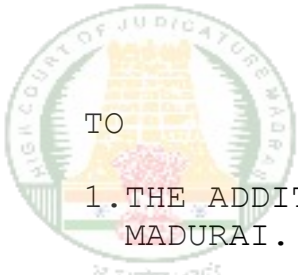
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/02/2019

/ TRUE COPY /

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



TO

1. THE ADDITIONAL MAHILA COURT,
MADURAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN,
MADURAI.

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

+1. CC to Mr.M.JEGADEESH PANDIAN Advocate SR.No.4145

ORDER

IN

CRL OP (MD) No.2972 of 2019

Date :27/02/2019

aav

AE/JC/SAR-IV/04.03.2019/3P/5C