



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.33 of 2019

KATHIJA BEEVI

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE OF TAMILNADU,
REP. BY ITS INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TUTICORIN , TUTICORIN DISTRICT
(CRIME NO.12/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.RADHAKRISHNAN 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 :-

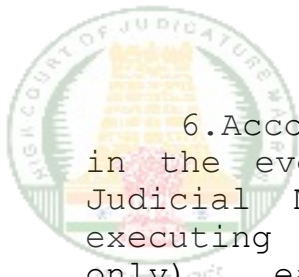
The petitioner/accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 494, 294 (b) & 506(ii) IPC and Section 4 of the TNPHW Act and Dowry Harassment Act in Crime No.12 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his family members harassed the defacto complainant, demanded dowry and also committed second marriage.

3.The learned counsel for the petitioner submits that the petitioner is innocent and he had nothing with the alleged crime. He further submits that co-accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD).Nos.15720 of 2018, 16228 and 16722 of 2018, by orders dated 06.09.2018, 11.09.2018 and 19.09.2018 respectively. Hence, he prays that anticipatory bail may be granted to him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, co-accused were already granted anticipatory bail by this Court and investigation is going on.

5.Considering the fact that co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, No.I, Srivaikundam, Tuticorin and on his executing 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 learned Magistrate concerned and on further condition that

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

04/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.G.RADHAKRISHNAN Advocate SR.No. 192

ORDER

IN

CRL OP(MD) No.33 of 2019

Date :04/01/2019