



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

Monday, the First day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3513 of 2019

1 KARKUVEL RAJA
2 NATARAJAN
3 PANDISELVI
4 SAMUDHA

... PETITIONERS / ACCUSED NO. 1 TO 4

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN.
(CRIME NO.2/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.M.RAGAVAN Advocate

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

For Intervenor : Mr.T.KUMAR, Advocate

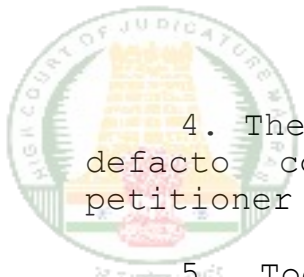
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Section 498(A) and 406 of IPC in Cr.No.2 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 was solemnized on 06.06.2017 and due to incompatibly between the first petitioner and the defacto complainant the petitioner started harassing the defacto complainant demanding more dowry. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that both the first petitioner and the defacto complainant have filed a HMOP before the family court for appropriate remedy. He would also submit that the petitioner is ready and willing return the gold jewels and to deposit Rs.1,00,000/- to the credit in crime number.



4. The learned counsel for the intervenor would submit that the defacto complainant is ready to reunion, however the first petitioner is not ready for re-union.

5. Today the first petitioner and the defacto complainant appeared before this Court. The first petitioner out of 35 sovereigns of gold, today had handed over 31 ½ sovereigns of gold to the defacto complainant.

6. The learned Government Advocate (Crl. side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioners. Since the first petitioner has returned 31 ½ sovereigns of gold and ready to deposit Rs.1,00,000/- this Court may pass appropriate orders.

7. Considering the facts and circumstances of the case and also considering the fact that 31 sovereigns of gold jewels were returned to the defacto complainant and the first petitioners have come forward to deposit Rs.1,00,000/- to the credit in crime number, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the 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 Mahila Court, JM Level, Madurai on condition that the petitioner 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 petitioner is directed to deposit a sum of Rs.1,00,000/- to the credit in Crime no.2 of 2018 on the file of the Mahila Court, JM Level, Madurai

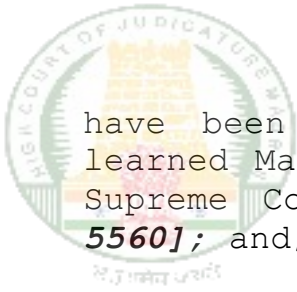
(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required for interrogation;

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

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

(f) 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;

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

sd/-

01/04/2019

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

TO

- 1 THE MAHILA COURT,
JUDICIAL MAGISTRATE LEVEL,MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADURAI TOWN.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+2. CC to MR.K.M.RAGAVAN Advocate SR.No.5866

+1 CC to M/s.T.KUMAR, Advocate (SR-5992[I] dated 02/04/2019)

PS/MM/SAR-1/03.04.2019/3P/8C

ORDER

IN

CRL OP(MD) No.3513 of 2019

Date :01/04/2019