

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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4028 of 2019

1 THILAKAN
2 BHUVANESWARI

... PETITIONERS / ACCUSED 2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
CRIME NO.71/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.DEENADHAYALAN, Advocate
for MR.R.VIJAYAKUMAR Advocate

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

For Intervenor : MR.MEENAKSHI SUNDARAM, Advocate

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 Sections 294(b), 498 (A), 417, 379 and 406 of IPC in Cr.No.71 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the marriage between the first petitioner and the defacto complainant was solemnised on 30.11.2015 and they were living happily in abroad. There was a matrimonial dispute arose between them in abroad and they returned back to India and the petitioners did not return the birth certificate and other documents of the defacto complainant's son to her. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that all those documents are with the defacto complainant and inorder to harass the petitioners the defacto complainant has filed a false case against them.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel for the intervenor would submit that the petitioners demanded more dowry and harassed the defacto

complainant. Today the learned counsel for the defacto complainant secured some documents from the learned counsel for the petitioner.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioners herein are in-laws and the main accused is in abroad

6.Considering the facts and circumstances and considering the fact that the petitioners are in-laws and some of the documents has been handed over today, 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 learned Judicial Magistrate No.II, Kumbakonam, Thanjavur 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 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 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/-

30/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
<https://hcservices.ecourts.gov.in/hcservices/>
KUMBakonam, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

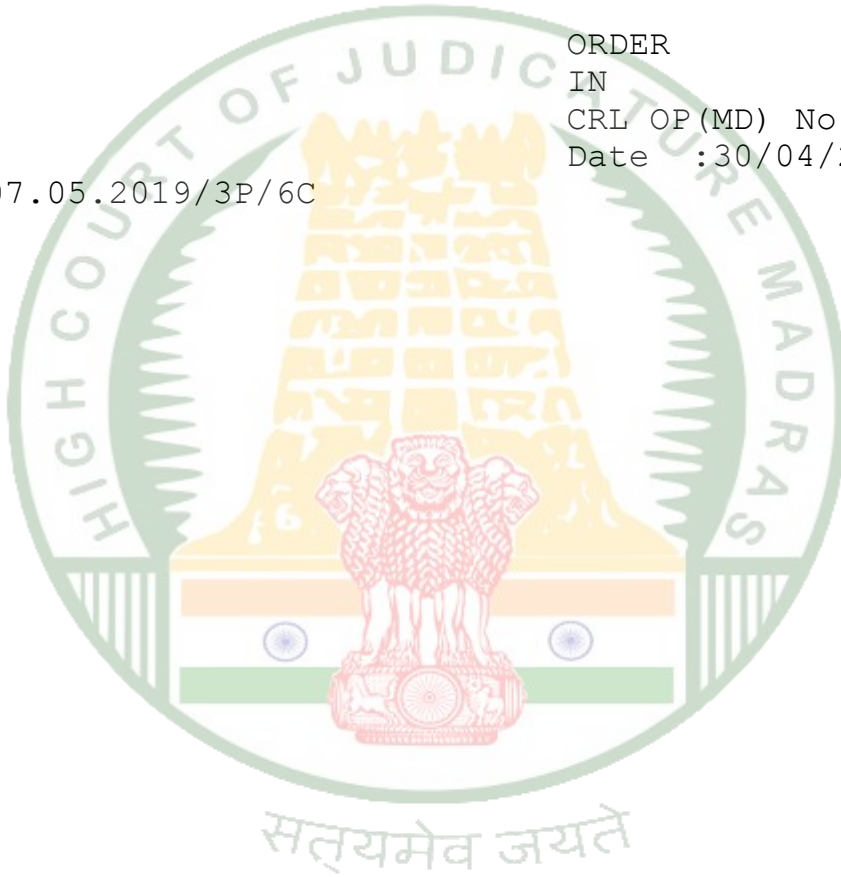
3 THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.

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

+1. CC to M/S. R. VIJAYAKUMAR Advocate SR.No. 7935

ORDER
IN
CRL OP (MD) No.4028 of 2019
Date :30/04/2019

JM/VR/SAR 1/07.05.2019/3P/6C



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