



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4584 of 2019

1. JEYA SINGH RAJ
2. MICHAEL SELVA RAJ
3. MARY EMIBAI
4. RAJA SINGH DEVRAJ
5. EZHILARASI
6. FATHIMA JOSE
7. M.BABIYON RAJ,

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUZHITHURAI,
KANYAKUMARI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.L.VICTORIA GOWRI Advocate

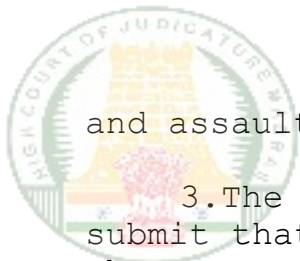
For Respondent : MR.A.ROBINSON,
Govt. Advocate (Crl. Side)

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 offence under Sections 498(A), 406, 294(b) and 506(ii) of IPC and 4 and 6 of Dowry Prohibition Act, 1961, in Cr.No.12 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the wife of the first petitioner and the marriage was solemnized on 23.05.2007 and due to wed-lock, they got one male child. Thereafter, some family dispute arose between the couple, the first petitioner left his home and stay in his sister home thereby, the petitioners abused the defacto complainant with filthy language



and assaulted her. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. The learned counsel for the petitioners would submit that the petitioners are in-laws of the defacto complainant. Due to family dispute, the defacto complainant lodged a complaint against the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is still pending.

5.Considering the facts and circumstances the present complaint relates to family dispute, 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, 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 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/-

27/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. II,
PADMANABHAPURAM.

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

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

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

+1. CC to M/S.L.VICTORIA GOWRI Advocate SR.No.5673

ORDER

IN

CRL OP (MD) No.4584 of 2019

Date :27/03/2019

AE/VR/SAR-I/05.04.2019/3P/6C