



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

Friday, the Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4679 of 2019

1 F. SELVAM
2 ANNAMMAL
3 JOTHI
4 VANITHA
5 F. ANBU
6 RAYYAPPAN

... PETITIONERS / ACCUSED Nos. 1 to 6

Vs

THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.
CRIME NO. 9/2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.PRABAKARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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) and 406 IPC and Section 4 of Dowry Prohibition Act, 2002, in Cr.No.09 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the marriage was solemnized between the first petitioner and the defacto complainant on 16.09.2004. Thereafter, they blessed with one female child. After retirement of the first petitioner, there was a wordy quarrel arose between them. Due to family dispute, the defacto complainant left the matrimonial home and separately live with her parents house and lodged a present complaint for demand of additional dowry.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that in fact, the female child is living with the petitioner's care and custody. Accordingly, he prays for anticipatory bail.



4.Today, the defacto complainant appeared before this Court and she has intended to live her husband. However, she needs some time. The petitioner also appeared before this Court. Both of them need some time to solve their dispute.

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

6.Considering the facts and circumstances of the case and considering the fact that there must be some cooling off period for the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Uthamapalayam, Theni 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 learned 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 petitioner 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/-

05/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT.

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

+1. CC to M/S.K.PRABAKARAN Advocate SR.No.6364

ORDER

IN

CRL OP (MD) No.4679 of 2019

Date :05/04/2019

MSI/MMS/SAR 4/12.04.2019/3P-6C