



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.4818 of 2019

A. ARUNKUMAR,

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE,  
AWPS., MANAMADURAI, SIVAGANGAI DT.  
(CRIME.NO.21 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr. A.S. RAJESWARI 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 who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498A of IPC @ 174 (iii) Cr.P.C. @ into Sections 498 A and 304 (B) of IPC, in Crime No.21 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the *de facto* complainant were taken place on 12.09.2018. At the time of marriage, the *de facto* complainant's family had given seethana articles and dowry to the petitioners family. Thereafter, on 21.11.2018 at about 11.00 a.m. the deceased had gone to her parents' house, wherein, she has stated that her in-laws had demanded five sovereigns of Gold and Rs.1,00,000/- as additional dowry. When the deceased had attempted to enter the matrimonial home, the in-laws had questioned the same and abused the *de facto* complainant and asked her to die. Due to which, she consumed rat poison. Immediately she was taken by her brother to Vellammal Medical College Hospital. During her medical treatment, the brother of the deceased had enquired the reason for consuming the rat poison. She had categorically stated that because of the demand made by her in-laws, she consumed poison. She passed away on 27.11.2018. Hence the complaint.

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

3.The learned counsel appearing for the petitioner would submit



that earlier this Court dismissed the anticipatory bail application on the ground that investigation is at the preliminary stage.

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that co-accused in this case was granted anticipatory bail and there is no dowry demand.

5. Considering the facts and circumstances of the case and also considering the fact that co-accused were released on bail and considering the fact that there is no dowry demand, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai 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 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 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]**; and;

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

sd/-

01/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,  
MANAMADURAI.

2 THE CHAIRMAN/DISTRICT COLLECTOR,  
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,  
AWPS., MANAMADURAI, SIVAGANGAI DT.

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

+1. CC to Mr. A.S. RAJESWARI Advocate SR.No.5865

PS/MMS/SAR-1/03.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.4818 of 2019

Date :01/04/2019