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

Tuesday, the Second day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4941 of 2019

1.SUNDARA BAI,
2 NADARAJAN,
3 VICTORIA, ... PETITIONERS / ACCUSED NO.2,3,4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM, KANYAKUMARI DISTRICT.
(CRIME NO.8 OF 2019) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.RAJESHWARAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 341, 498(A) and 506(i) of IPC and Section 3(1), 4 and 6 of the Dowry Prohibition Act 1961 in Crime No.8 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 son of the first petitioner and the defacto complainant was solemnized on 31.12.2017 and out of their wedlock they got one child. It is alleged that the 1st petitioner and other in-laws of the defacto complainant made torture and demanded additional dowry from the defacto complainant, for which the defacto complainant lodged a complaint before the respondent police and a case was registered against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He would further submit that it is purely family dispute. Hence, he seeks for grant of anticipatory bail.

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4.The learned Government Advocate (Crl. Side) would submit that the petitioners have harassed the defacto complainant demanded more dowry. He would further submit that the investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that the petitioners herein are in-laws of the defacto complainant, 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.1, 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 second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the petitioners 1 and 3 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.

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

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TO

1.THE JUDICIAL MAGISTRATE NO.I,
PADMANABHAPURAM.

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

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

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

+1. CC to MR.K.RAJESHWARAN Advocate SR.No.6054

ORDER
IN
CRL OP(MD) No.4941 of 2019
Date :02/04/2019

AE/MMS/SAR-II/08.04.2019/3P/6C

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