



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 20/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.6517 of 2019

1.Kumar
2.Kottaiyan
3.Panchavarnam
4.Mangayarkarasi
5.Gurusamy
6.Arjunan

... Petitioners/Accused
Rank Not Known

Vs

The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District
Crime No.3 of 2019

... Respondent/Complainant

For Petitioners: M/s.N.Pragalathan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

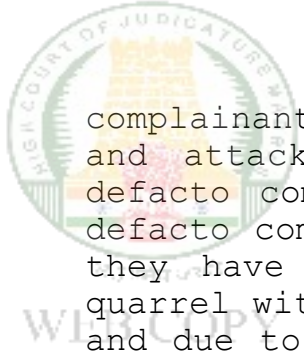
For Anticipatory Bail in Crime No.3 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498, 326 and 506 (ii) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.3 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that as per the FIR, the defacto complainant is the wife of A1. A2 to A6 are in-laws of the defacto



complainant. The petitioners herein abused her using filthy language and attacked her. Further, they threatened to the life of the defacto complainant. He further submitted that A1 got married the defacto complainant in the year 2010. Even after 9 years completed, they have no issue. Thereafter, the defacto complainant used to quarrel with A1. In the year 2016, the defacto complainant fell down and due to that, she was affected by paralysis. A1 was taking care of the defacto complainant upto the year 2018, until she left the matrimonial home, and hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that A1 got married the defacto complainant in the year 2011. They have no issues. From the date of marriage, the petitioners demanded more dowry from the defacto complainant and continuously harassed her. Due to that harassment, the defacto complainant was affected by paralysis and she is in her parental home at the stage of bed-ridden for the past 4 years. Further, A1 has compelled the defacto complainant for divorce for getting second marriage with another woman. Hence, he strongly opposed this petition.

5.Considering the fact that the main allegation is only against A1 and also the fact that the other petitioners are in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2, 3, 4, 5 & 6 with certain conditions.

6. Accordingly, petitioners 2, 3, 4, 5 & 6 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 Court, Thiruvadanai, Ramanathapuram District, on condition that petitioners 2, 3, 4, 5 & 6 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners 2, 3, 4, 5 & 6 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2, 3, 4, 5 & 6 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(ii) the petitioners 2, 3, 4, 5 & 6 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2, 3, 4, 5 & 6 shall not abscond either during investigation or trial.



(v) 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].

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

7. Since the main allegation is only against the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. Accordingly, this Criminal Original Petition is dismissed insofar as the first petitioner/A1.

sd/-
20/06/2019

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

TO

1. The Judicial Magistrate Court,
Thiruvadanai, Ramanathapuram District.

2. The Chief Judicial Magistrate,
Ramanathapuram District.

3. The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-10098[I] dated
20/06/2019)

ORDER
IN
CRL OP(MD) No.6517 of 2019
Date : 20/06/2019

TK/VR/SAR.2/27.06.2019/3P/6C