



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.653 of 2019

1 M.VIVEGANANTHAN

2 V.GANDHIDEVI

3 V.VINOTHKUMAR

... ACCUSED RANK 2 TO 4

4 V.VALARMATHI

5 V.NIVEDHA

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CANTONMENT, TRICHY.

(CRIME NO. (*)1 OF 2019)

... RESPONDENT / COMPLAINANT

YOHARANI

... PETITIONER/INTERVENER

**((*)AMENDED AS PER ORDER OF THIS HONOURABLE COURT
MADE IN CRL MP(MD).500/19 IN CRL OP(MD)
No.653/2019 DATED 24/01/2019)**

For Petitioner : MR.D.SADIQ RAJA Advocate

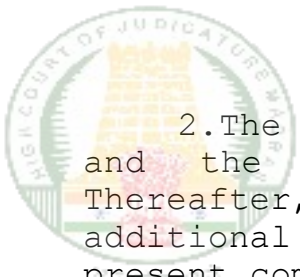
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervener : M/S.S.BHARATHI, Advocate

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 498(A), 294(b) & 506(ii) of IPC, in Cr.No.1 of 2019 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the marriage of the A1 and the defacto complainant was solemnised on 19.10.2018. Thereafter, A1 and other in-laws made cruelty with regard to the additional dowry, for which the defacto complainant lodged the present complaint before the respondent police.

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3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The allegations are levelled only against the first accused. The petitioners are only in-laws of the defacto complainant. He further would submit that since the petitioners 4 and 5 are not arrayed as accused, he has not pressed the petition in respect of petitioners 4 and 5.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioners are only in-laws of the defacto complainant. However, the second petitioner has threatened the defacto complainant as she will pour the kerosene and set fire on her. Except this no other allegation is levelled against the petitioners.

5.Considering the facts and circumstances of this case and since it is a family dispute and the petitioners are only in-laws of the defacto complainant, the petitioners 1 to 3 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 Additional Mahila Court, Tiruchirappalli, on condition that the petitioners 1 to 3 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 1 to 3 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 1 to 3 shall report before the respondent police as and when required for interrogation;

(c)the petitioners 1 to 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 to 3 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 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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;

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

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



6.This Criminal original petition stands dismissed as withdrawn in respect of the petitioners 4 and 5.

sd/-
14/02/2019

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

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT,
TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CANTONMENT, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.SADIQ RAJA, Advocate SR-3202

ORDER
IN
CRL OP(MD) No.653 of 2019
Date :14/02/2019

JM/VR/SAR 4/21.02.2019/3P/5C