



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

Monday, the Twenty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.714 of 2019

ROSELET

... PETITIONER / ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM, KANYAKUMARI DISTRICT.
(IN CRIME NO. 31 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.T.PERUMAL 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 :-

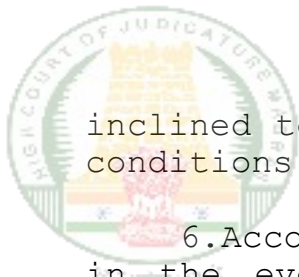
The petitioner/2nd accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 498 (A), 406 IPC and Sections 4 & 6 of Dowry Prohibition Act in Crime No.31 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused demanded more dowry from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is innocent and he had nothing with the alleged crime. He further submits that A-1 has already been granted anticipatory bail by this Court vide Crl.O.P.(MD).No.17113 of 2018, dated 27.09.2018. Hence, he prayed that anticipatory bail may be granted to this petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is going on.

5.Considering the fact that first accused in this case was already granted anticipatory bail by this Court, this Court is



inclined to grant anticipatory bail to the petitioner, with certain conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, No.II, Padmanabhapuram, Kanyakumari District and on his executing 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 learned Magistrate concerned and on further condition that

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/01/2019

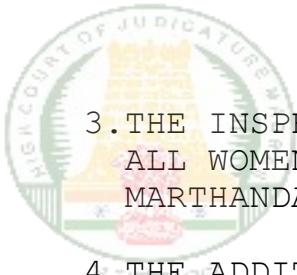
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
KANYAKUMARI DISTRICT.



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.C.T.PERUMAL Advocate SR.No.970

ORDER
IN
CRL OP (MD) No.714 of 2019
Date :21/01/2019

AE/JC/SAR2/28.01.2019/3P/6C