

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7753 of 2019

1. Rubadevi
2. Dhamayanthi

.... Petitioners/Accused No.2 & 3

Vs

State Rep.by
The Inspector of Police,
Omathcikulam Police Station,
Madurai District.
Crime No.91 of 2019. Respondent/Complainant

For Petitioners: M/s.C.Jeyaprakash,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr.no.91 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(A), 406, 294(b), 323, 109 and 506(ii) of IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.91 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that A1 is the husband, A2 is the sister of A1 and A3 is the mother of A1. He further submitted that even as per the FIR, the defacto complainant and A1 were residing in a separate house at Veerapandi in Madurai. He further submitted that there was a quarrel between the first accused and the defacto complainant and

hence a false case has been foisted against the petitioners herein. He further submitted that the petitioners are in no way connected with the aforesaid crime. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners along with A1 have demanded dowry and caused cruelty and also assaulted her and also criminally intimidated her. He further submitted that after registering the FIR, A1 has been arrested by the respondent police on 21.05.2019 and from that day onwards, he is in custody. He further submitted that the investigation is still pending. Hence, he strongly opposed this petition.

5.Taking into consideration the fact that the defacto complainant and A1 were residing in a separate house and also the fact that A1 was arrested and remanded to judicial custody on 21.05.2019, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

6. 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 Additional Mahila Judicial Magistrate Court, Madurai, 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 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 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the All Women Police Station, Sivagangai daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 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.

sd/-

10/06/2019

/ TRUE COPY /

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

TO

1. THE JUDGE,
ADDITIONAL MAHILA JUDICIAL MAGISTRATE COURT,
MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
OMATHCIKULAM POLICE STATION, MADURAI DISTRICT.
 4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SIVAGANGAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.C.JEYAPRAKASH Advocate SR.No.9322

ORDER
IN

CRL OP(MD) No.7753 of 2019

Date :10/06/2019

MS/VR/SAR-2/13.06.2019/3P.7C

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