



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 19/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8212 of 2019

1. Sekar
2. Ramayee
3. Jeyalakshmi
4. K.Adaikalam
5. K.Kumar

... Petitioners/Accused Nos.1 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(Crime No.7/2019)

... Respondent/Complainant

For Petitioners: M/s.G.Mathavan,
Advocate.

For Respondent : Mrs.M.Ananathadevi,
Govt.Advocate (Crl.Side).

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

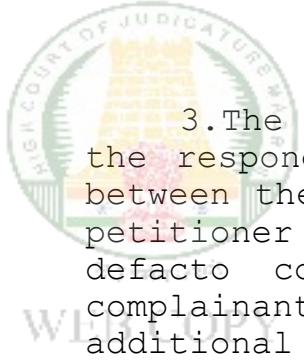
PRAYER :-

For Anticipatory bail in Cr.No.7 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), 294(b), 406, 506(ii) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, IPC, in Crime No.7 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above said case. Hence, he prayed to grant anticipatory bail to the petitioners.



3. The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that there was a matrimonial dispute between the first petitioner and the defacto complainant. The first petitioner is the drug addict and he is not a dutiful husband to the defacto complainant and often he quarrelled with the defacto complainant and harassed her. The petitioners were also demanded additional dowry from the defacto complainant. Hence, she vehemently opposed this petition.

4. Taking into consideration of the fact that the main allegation is only against A-1 and other petitioners are in -laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions. Insofar as the first petitioner is concerned, the allegations are serious in nature and hence, this Court is not inclined to grant anticipatory bail to him.

5. Accordingly, the petitioners 2 to 5 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, Melur, Madurai District on condition that the petitioners 2 to 5 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 to 5 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 to 5 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.

(iii) the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 to 5 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. Insofar as the first petitioner is concerned, this Criminal Original Petition is dismissed.

sd/-

19/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE, MELUR,
MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.8212 of 2019

Date : 19/06/2019

MS/VR/SAR-3/27.06.2019/3P.5C