

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

Friday, the Fourteenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8279 of 2019

1 P.JEYAPANDI
2 P.PANDIYARAJA
3 P.PREMA
4 P.JEYAKANNAN
5 J.SAROJA
6 KOWSALYA
7 M.SEETHALAKSHMI
8 R.MANO RANCHITHAM PETITIONERS / ACCUSED NO.1 TO 8

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL,
DINDIGUL DISTRICT.
CRIME NO.5/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.MOHAN GANDHI Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

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), 506(i) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and Section 4 of Dowry Prohibition Act, 1961, in Crime No.5 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the de facto complainant was living with the first petitioner only for three months and thereafter, she voluntarily left the matrimonial home and now, she is living in her parents' house and she gave a false complaint against the entire family members. He has further submitted that already the first petitioner has filed a petition in H.M.O.P.No.548 of 2018, before the Family Court, Madurai seeking divorce and the same is pending. He further submitted that the de facto complainant also filed a petition under the Domestic Violence Act before the learned Judicial Magistrate

No.II, Dindigul and the same is also pending in D.V.O.P.No.9 of 2018. Under the said circumstances, only with a view to harass the petitioners, the defacto complainant lodged a false complaint and therefore, he prayed for grant anticipatory bail to the petitioners.

3.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that the petitioners have caused cruelty to the de facto complainant for demanding additional dowry and therefore, she has strongly opposed this petition.

4.Taking into consideration of the fact that already the first petitioner has filed divorce petition and also the fact that the de facto complainant also filed an application under the Domestic Violence Act, this Court is inclined to grant anticipatory bail to the petitioners with 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 learned Judicial Magistrate No.II, Dindigul, 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner 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/-

14/06/2019

/ TRUE COPY /

TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

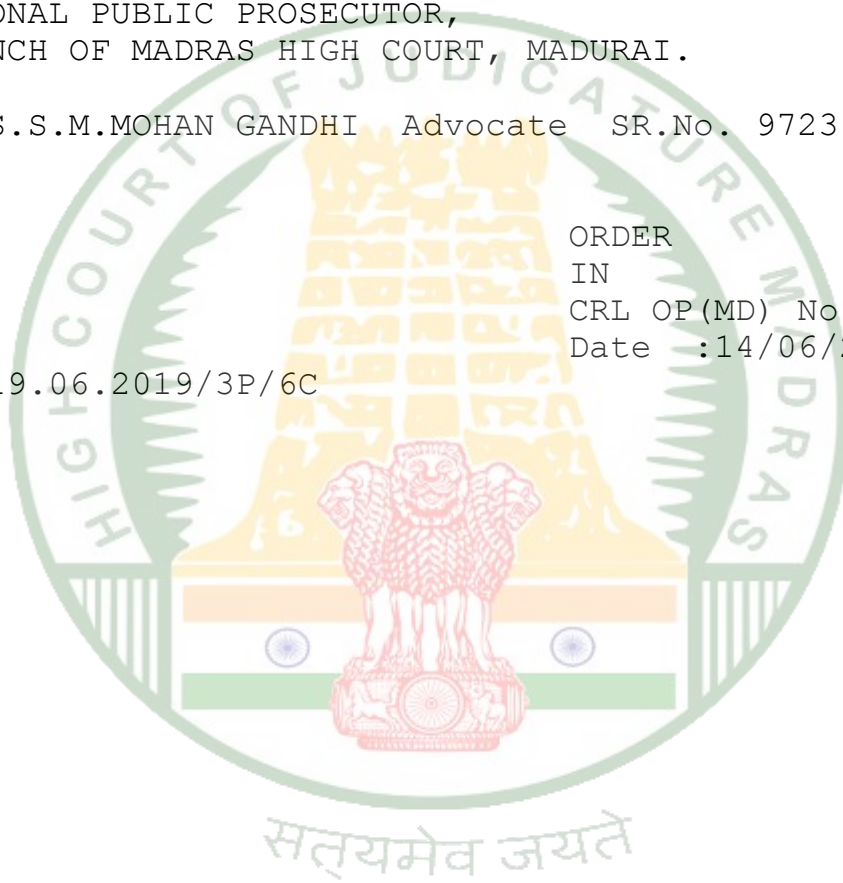
3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.MOHAN GANDHI Advocate SR.No. 9723

ORDER
IN
CRL OP(MD) No.8279 of 2019
Date :14/06/2019

JM/VR/SAR 2/19.06.2019/3P/6C



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