

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 01/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8315 of 2019

1.Shakul Ameer
2.Ameer Amja
3.Saiyad Ali Pathima
4.Habeebu Nisha

... Petitioners/Accused
No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Town South Police Station,
Dindigul District.
Crime No. 260 of 2018.

... Respondent/Complainant

For Petitioners : M/s.D.Deenadhayalan,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Cr.No.260 of 2018 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 294(b), 323, 342, 498(A) and 506(i) of IPC in Crime No.260 of 2018, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the marriage between the first petitioner and the defacto complainant took place on 05.07.2017. Due to some misunderstanding, the defacto complainant lodged a complaint against the petitioners stating that the petitioners demanding dowry from her.

3.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that at the time of marriage, the defacto complainant's parents had given 20 sovereigns of gold jewels and also house hold articles worth about Rs.1 lakh. Thereafter, the petitioners demanded a sum of Rs.1,00,000/- from the defacto complainant's parents for starting business. After that they received 15 sovereigns jewels from the defacto complainant and pledged the same by using the said amount, the first petitioner started a business.

4.Taking into consideration of the fact that there was a matrimonial dispute and the main allegation is against only A1 and other petitioners are in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions. Insofar as the first petitioner is concerned, this Criminal Original Petition is dismissed.

5. Accordingly, the petitioners 2 to 4 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.III, Dindigul, on condition that the petitioners 2 to 4 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 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 to 4 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 4 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 to 4 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

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

sd/-
01/07/2019

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

TO

- 1.The Judicial Magistrate No.III,
Dindigul.
- 2.The Chief Judicial Magistrate,
Dindigul District.
- 3.The Inspector of Police,
Town South Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-10886[I] dated
02/07/2019)

ORDER
IN
CRL OP(MD) No.8315 of 2019
Date : 01/07/2019

das
TK/PN/SAR.3/04.07.2019/3P/6C

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