

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 18/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8442 of 2019

1.Kannimariyal
2.Michael Raj
3.Theresa
4.A.Aacki Nisha
5.Yovan
6.Selvamani

... Petitioners/Accused Nos.A2 to A6

Vs

State Represented by,
The Inspector of Police,
All Women Police Station,
KovilPatti,
Tuticorin District.
Crime No. 3/2018.

... Respondent/Complainant

For Petitioner : M/s.C.Mayilvahana Rajendran,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in crime no. 3/2018 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 498
(A), 406, 417 and 418 of IPC and Section 4 of Dowry Prohibition Act,
in Crime No. 3 of 2018, seek anticipatory bail.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that as per the FIR, the defacto complainant is the wife of A1. A2 to A7 are in-laws of the defacto complainant. He further submitted that as per the FIR, at the time of marriage, the petitioners said to have demanded 65 sovereigns gold jewels, Rs.20,000/- and household articles as dowry and the same was given by her parents as sreedhana. After marriage, her husband went to abroad and he did not contact her over phone. Further, the petitioners demanded more dowry from the defacto complainant and she was harassed by them for non payment of further dowry. He further submitted that the issue is between the defacto complainant and her husband (A1) and that the petitioners are residing separately and they are in no way connected with the issue between the defacto complainant and her husband, and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that defacto complainant already lodged a complaint before the respondent police on 13.08.2017 and an enquiry was conducted in C.S.R.No.362 of 2017. After conducting enquiry, the complaint was closed as 'Mistake of Fact'. Thereafter, the defacto complainant filed a private complaint before the learned Judicial Magistrate, No.I, Kovilpatti, and the same was referred to the respondent police under Section 156 (3) of Cr.P.C and based on the same, the present FIR has been registered. She further submitted that the investigation is still pending, and hence, he opposed this petition.

5.Taking into consideration of the aforesaid fact that the main allegations are only against A1 and that the A1 is at abroad and that the petitioners are only in-laws of defacto complainant and they are residing separately, 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.I, Kovilpatti, 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.

(ii) 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/-
18/06/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, TUTICORIN DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOVIL PATTI, TUTICORIN DISTRICT.

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

+1. CC to M/S.C.MAYILVAHANA RAJENDRAN Advocate SR.No.9927

ORDER
IN
CRL OP(MD) No.8442 of 2019
Date :18/06/2019

DSS
PK/JC/SAR-2/26.06.2019 : 3P/6C