



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

Friday, the Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) No.8724 of 2019

1 M.SHEIK SYED ALI
2 A.M.J.BAGRUDEEN
3 M.SURAIYA

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPARAI,
TIRUCHIRAPALLI DISTRICT.
CRIME NO.5 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.M.ANBUNITHI Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 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) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.5 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The first petitioner and the defacto complainant are the husband and wife. The petitioners 2 & 3 are father and mother of the first petitioner. Even as per the FIR, the first petitioner after getting marriage, within one and a half months, he left India and went to Saudi Arabia and thereafter, he did not have any contact with the defacto complainant. In the mean time, the petitioners 2 & 3 demanded the defacto complainant's jewels and harassed her. He further submitted that the defacto complainant herself went to her parents home in the year 2017 and the same was questioned by the third petitioner, the defacto



complainant lodged a false complaint against the petitioners, and therefore, he prayed for grant of anticipatory bail to the petitioners.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent has submitted that the petitioners demanded the defacto complainant's jewels and continuously harassed her and criminally intimidated her. Hence, she opposed this petition.

5. The main allegation is against the first petitioner only. As per the FIR, the first petitioner after getting marriage, within one and a half months, he left India and went to Saudi Arabia and thereafter, he did not have any contact with the defacto complainant and thereby, caused cruelty. Considering the aforesaid allegations against first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Insofar as the petitioners 2 & 3 are concerned, they are the parents of A1, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3 with certain conditions.

8. Accordingly, the petitioners 2 & 3 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 Court, Manapparai, Tiruchirapalli District, on condition that the petitioners petitioners 2 & 3 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 petitioners 2 & 3 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 to 3 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 petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners petitioners 2 & 3 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.

9. Insofar as the first petitioner is concerned, this petition is dismissed.

sd/-
05/07/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S.R.M.ANBUNITHI Advocate SR.No. 11268

ORDER
IN
CRL OP(MD) No.8724 of 2019
Date :05/07/2019

JM/VR/SAR 2/11.07.2019/3P/6C