

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9160 of 2019

1.Muthamilarasi
2.Alagu Reddiyar
3.Pushparani
4.Krishnaveni
5.Sivakumar

.... Petitioners/Accused Nos.2 to 6

Vs

The State of Tamilnadu rep.through its
The Sub Inspector of Police,
All Women Police Station, Sattur,
Virudhunagar District
Cr.No.9/2019

... Respondent/Complainant

For Petitioners : M/s.P.M.Vishnuvarthanan,
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 Cr.No.9 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), 506 (ii) of IPC and Section 4 of Dowry Prohibition Act, in Crime No. 9 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that even as per the FIR, the defacto complainant married Al viz., Maneswara Perumal. The petitioners herein are in-laws of the defacto complainant. Al and the petitioners demanded additional

dowry from the defacto complainant and harassed her. He further submitted that from the date of marriage, they were resided at Dubai and they have no issue. Further, the defacto complainant issued a legal notice on 22.05.2019 and reply notice was also issued on 10.06.2019. A1 already filed HMOP before the Sub Court, Sivakasi, seeking for divorce and the same is pending. The defacto complainant suppressed these facts and lodged a complaint in Cr.M.P.No.1064 of 2019. The learned Judicial Magistrate issued a direction to the respondent police to register FIR, without even conducting preliminary enquiry. The petitioner also filed a Criminal Revision Petition before this Court against the impugned direction issued by the learned Judicial Magistrate in Cr.MP.NO.1064 of 2019. He further submitted that the petitioners are falsely implicated in this case, 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 the petitioners along with A1 harassed the defacto complainant for demanding additional dowry. A1 has not been arrested. Because, now, he is working at Dubai. Hence, she opposed this petition.

5.Taking into consideration of the aforesaid fact that the main allegation is against only A1 and also the fact that the petitioners are in-laws, 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, Sattur, 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/-
28/06/2019

/ TRUE COPY /

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

TO

- 1.The Judicial Magistrate, No.I,
Sattur.
- 2.Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
- 3.The Sub Inspector of Police,
All Women Police Station, Sattur,
Virudhunagar District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to Mr.P.M.Vishnuvarthanan Advocate SR.No. 10786

ORDER
IN

CRL OP(MD) No.9160 of 2019
Date : 28/06/2019

dss

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