



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

Date : 02/07/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9215 of 2019

1. Santhi,,
2. Kothandapani,, ... Petitioners/Accused Nos.4 & 5

Vs

State through
The Inspector of Police,,
All Woman Police Station,
Aruppukkottai, Virudhunagar District.
(Crime No.10 of 2019). ... Respondent/Complainant

For Petitioners : M/s.V.R.Appaswamee,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.10 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 offence punishable under Sections 294(b), 448, 494 and 506(i) of IPC in Crime No.10 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that already based on the complaint given by the de-facto complainant, a case was registered against her husband (A-1) and her mother-in-law in Crime No.5 of 2014, for the offences punishable under Sections 498(A), 406 r/w 4 of Dowry Prohibition Act and based on the said First Information Report, charge sheet was filed and the case was taken on file in C.C.No.237 of 2014, on the file of the learned Judicial Magistrate, Aruppukkottai and after full trial, A-1 was convicted and sentenced to undergo 18 months rigorous imprisonment and fine of Rs.500/- was also imposed. He further submitted that sofar as the mother-in-law is concerned she was



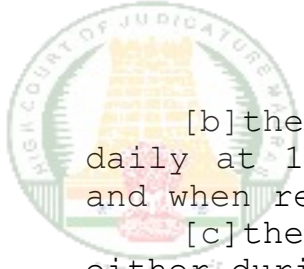
acquitted in that case. He further submitted that as per the First Information Report, after the previous case was ended in acquittal, the mother-in-law of the de-facto complainant went to the house of the de-facto complainant on 13.03.2019 and informed her that her son (A-1) already got the second marriage and through the said marriage he got a child and also criminally intimidated her. He further submitted that since already a criminal case was filed and after disposal of the said case, it is highly unbelievable that the mother-in-law of the de-facto complainant went into the house of the de-facto complainant and criminally intimidated her and also informed that her son (A-1) got second marriage. He further submitted that there is no material to show that the first petitioner in CrI.O.P.(MD).No.8431 of 2019 married A-1 and for the said marriage, the second petitioner in CrI.O.P.(MD).No.8431 of 2019 has helped. Therefore, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI. side) appearing for the respondent has submitted that the investigation is still pending. Hence, he opposed this petition.

5.Already one criminal case was filed against A-1 and his mother for the offences punishable under Sections 498 A, 406 r/w 4 of Dowry Prohibition Act and in that case, A-1 was convicted on 08.02.2019 and sentenced to undergo for a period of 18 months rigorous imprisonment and the mother of A1 was acquitted and under the said circumstances it is not believable that after the disposal of the said criminal case, the mother-in-law of the de-facto complainant voluntarily went to the house of the de-facto complainant and informed that her son (A-1) got married with the first petitioner in CrI.O.P.(MD).No.8431 of 2019. Further, the de-facto complainant has not produced any material to show on which date A-1 got married the first petitioner in CrI.O.P.(MD).No.8431 of 2019, what kind of marriage they have performed.Taking into consideration fo all the aforesaid facts, this Court has already granted anticipatory bail to A2 and A6 and under the said circumstances, 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, Aruppukottai and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]If the petitioners fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



[b]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.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI.

2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.

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

+1 CC to MR.V.R.APPA SWAMEE, Advocate (SR-10877[I] dated 02/07/2019)

ORDER

IN

CRL OP(MD) No.9215 of 2019

Date :02/07/2019

vsg

AE/VR/SAR-III (10.07.2019) 3P 6C