



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

Date : 14/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

WEB COPY

CRL OP(MD) . No.7851 of 2019

1. D.Jospeh Issac Raja

2. Jennat Vijaya

3. Anitha Bhagya Wise

4. Selvapriya ... Petitioners/Accused rank not known
Vs

The State of Tamilnadu,
Rep.by its Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No. 25 of 2019).

... Respondent/Complainant

Abitha ... Petitioner/Intervener
in CRL.MP(MD)No.7026 OF 2019

For Petitioners : M/s.G.Radhakrishnan,
Advocate.

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

For Intervener : Mr.B.Jeyakumar
Advocate

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

PRAYER :-

For anticipatory bail in cr.no.25 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),
406 and 506(ii) of IPC and Sections 4 and 6 of Dowry Prohibition
Act, 1961, in Crime No.25 of 2019, seek anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard both sides.

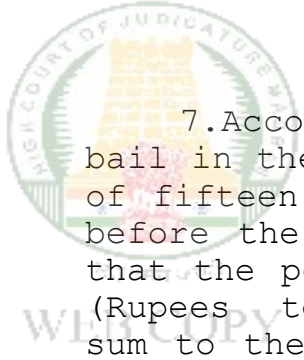


3.The learned counsel appearing for the petitioners has submitted that the first petitioner is the husband of the defacto complainant and the other petitioners are in-laws of the defacto complainant. He further submitted that as per the FIR, the petitioners herein have demanded dowry from the defacto complainant and also harassed her. Further she has stated that the defacto complainant's father gave Rs.2,50,000/- to the first petitioner for medical expenses and the defacto complainant's father has purchased one property in favour of the defacto complainant but she has not even stated in the FIR that where the said property is situated and for what amount the said property was purchased. He further submitted that on 23.07.2019, the first petitioner has produced three original sale deeds to show that the first petitioner alone has purchased the properties in the name of the defacto complainant. He further submitted that the petitioners herein have been falsely implicated in the above case and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervener/defacto complainant has submitted that the parents of the defacto complainant gave 150 sovereigns of gold jewels and Rs.10,00,000/- and household articles worth about Rs.1,00,000/- to the defacto complainant. He further submitted that the petitioners herein have demanded more dowry from the defacto complainant and her parents. He further submitted that the defacto complainant's father has purchased one property in her name but the first petitioner has sold the said property and therefore, he strongly opposed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.side) appearing for the respondent police has adopted the arguments advanced by the learned counsel for the intervener/defacto complainant and hence, she has also opposed this petition.

6.Taking into consideration the submission made by the learned counsel for the petitioners that the properties were purchased by the first petitioner in the name of the defacto complainant and the learned counsel for the petitioners has produced three original sale deeds before this Court on 23.07.2019 with regard to the aforesaid properties and also the fact that even though the defacto complainant has stated in the FIR that one property has been purchased in her name by her father, she not even stated where the property is situated and for what amount the said property was purchased, further if really her father has purchased the said property, she would have produced the sale deed, on the contrary the learned counsel for the petitioners has produced the original sale deeds, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.



7. 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-II, Nagercoil, 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.

(iii) 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/-
14/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.

2. -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT



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

+1. CC to M/S.G.RADHAKRISHNAN Advocate SR.No.13567

+1. CC TO Mr.B.Jeyakumar, Advocate SR.No.13585

ORDER

IN

CRL OP(MD) No.7851 of 2019

Date :14/08/2019

vsg

ES/PN/SAR2/30.08.2019/4P/7C