



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

Date : 30/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8744 of 2019

1. Grapton Prabhu
2. Yesumariyan
3. Mary Selvarani
4. Prasanth
5. Pradeep

... Petitioners/Accused Nos.1 to 5

Vs

State rep.by,
The Inspector of Police,,
All Women Police Station,
Kulachal, Kanyakumari District.
(Crime No.22/19).

... Respondent/Complainant

For Petitioners: M/s.S.R.Anbarasu,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

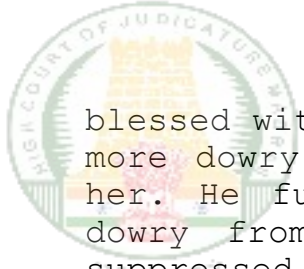
For Anticipatory Bail in Crime No.22 of 2019 on the file of the respondent police.

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, 506 (ii), 120 B IPC and Section 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.22 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. Even as per the FIR, on 16.05.2016, the defacto complainant married the petitioner/A1. They



blessed with one child. After the marriage, the petitioners demanded more dowry from the defacto complainant and criminally intimidated her. He further submitted that the petitioners never claimed any dowry from the defacto complainant and the defacto complainant suppressed the fact that she has filed a petition for divorce before the learned District Court, Nagercoil, 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 more dowry from the defacto complainant and criminally intimidated her. She further submitted that the first petitioner is having a possession of 30 sovereign of gold jewels of the defacto complainant. Hence, she opposed this petition. .

5. The main allegation is against first petitioner/A1 only. The petitioners 2 to 5 are in-laws. Hence, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions. Insofar as the first petitioner/A1 is concerned serious allegation made against him as he has caused cruelty to the defacto complainant by retaining her jewels and also demanded further dowry from the defacto complainant, this Court is not inclined to grant anticipatory bail to the first petitioner/A1.

6. Accordingly, the petitioners 2 to 5 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, Eraniyal , on condition that the petitioners 2 to 5 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:

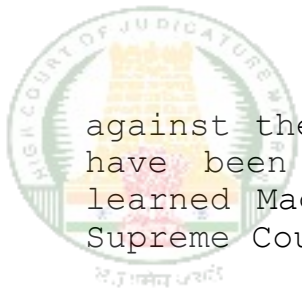
(i) If the petitioners 2 to 5 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 to 5 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 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 to 5 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.

7.Insofar as the first petitioner/A1 is concerned, this petition is dismissed.

sd/-
30/07/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, ERANIYAL

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

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KULACHAL,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.12608

ORDER
IN
CRL OP(MD) No.8744 of 2019
Date :30/07/2019

dss
PK/PN/SAR-2/06.08.2019 : 3P/6C