



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8880 of 2019

1. R.Karthick
2. R.Subulakshmi
3. R.Shobana

... Petitioners/Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Sathur, Virudhunagar District.
in Crime No.7/2019..

... Respondent/Complainant

For Petitioners: M/s. M.S.V. Balamurugan,
Advocate.

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

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

PRAYER :-

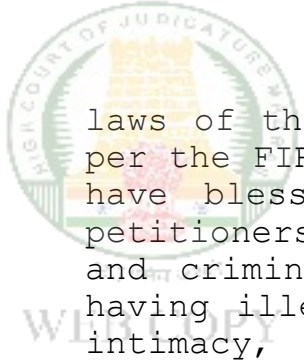
For Anticipatory Bail in Crime No.7 of 2019 on the file of the respondent Police.

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 294 (b), 498 (A), 506 (i) and Section 4 of Dowry Prohibition Act, in Crime No.7 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that the defacto complainant and the first petitioner are the husband and wife. The Second and third petitioner are the in-



laws of the defacto complainant. He further submitted that even as per the FIR, they loved each other and got married themselves. They have blessed with two children. From the date of marriage the petitioners demanded additional dowry from the defacto complainant and criminally intimidated her. Further, the first petitioner is having illegal intimacy with one Divyabharathi. Due to his illegal intimacy, he did not take care of his children and the defacto complainant. He further submitted that they have been leading their matrimonial life separately. Hence, the petitioners 2 & 3 are in no way connected in this case. Hence, he prayed anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the respondent has submitted that the first petitioner consumed alcohol daily and attacked the defacto complainant by demanding additional dowry. Further, the first petitioner is also having illegal intimacy with one Divyabharathi and refused to live with the defacto complainant. She further submitted that the investigation is still pending, hence, she opposed this petition.

5.A perusal of the FIR shows that the main allegation against A1 is that he is having illegal intimacy with A4 and because of the said illegal intimacy, he is ill treating the defacto complainant, and also demanding dowry. Hence, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. Insofar as the petitioners 2 & 3 are concerned, they are only in-laws, and hence,, this Court is inclined to grant anticipatory bail to them.

6. Accordingly, 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, No.II, Sattur, Virudhunagar District, on condition that the 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 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 & 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 2 & 3 shall not tamper with evidence or witness either during investigation or trial.



(iv) the 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.

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

sd/-
10/07/2019

/ TRUE COPY /

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

TO

1. JUDICIAL MAGISTRATE NO.II SATTUR,
VIRUDHUNAGAR DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SATHUR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S. M.S.V. BALAMURUGAN Advocate SR.No.11532

ORDER
IN
CRL OP(MD) No.8880 of 2019
Date :10/07/2019

dss
PK/VR/SAR-3/17.07.2019 : 3P/6C