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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9191 of 2019

1. P.Karthikeyan

2. P.Palaniammal

... Petitioners/Accused
(Rank Not Known)

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Palani, Dindigul District.

(Crime No.12 of 2019).

... Respondent/Complainant

For Petitioners: M/s.T.Lenin Kumar,
Advocate.

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

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

PRAYER :-

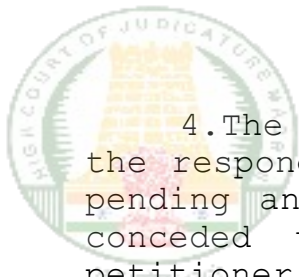
For Anticipatory bail in Cr.No.12 of 2019 on the file of the respondent police.

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, 294(b) and 506(i) of IPC, in Crime No.12 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to family dispute, a false case has been registered against the petitioners. He further submitted that it is purely family dispute. He further submitted that the first petitioner is the husband and the second petitioner is the mother-in-law of the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the investigation is still pending and hence, she opposed this petition. However, she fairly conceded that the main allegation is only against the first petitioner(A1) .

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5.In so far as the first petitioner is concerned, he is the husband of the defacto complainant and the learned counsel for the petitioners seeks permission of this Court to withdraw the criminal original petition in respect of the first petitioner and he has also made an endorsement to that effect.

6.In so far as the second petitioner is concerned, she is the mother-in-law of the defacto complainant and only allegation made against her is that she instigated the first petitioner(A1) to snatch the gold jewels of the defacto complainant and also demanded dowry.

7.Taking into Consideration the aforesaid facts and also the fact that the main allegation is only against the first petitioner (A1), this Court is inclined to grant anticipatory bail to the second petitioner by imposing certain conditions.

8.Recording the endorsement made by the learned counsel for the petitioners, this criminal original petition is dismissed as withdrawn in respect of the first petitioner.

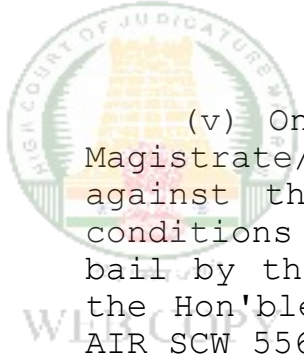
9. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, on condition that the second petitioner shall execute 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 second petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the second petitioner 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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/-
25/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE, PALANI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
PALANI, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.12270

ORDER
IN
CRL OP(MD) No.9191 of 2019
Date :25/07/2019

MS/PN/SAR-1/31.07.2019/3P.6C