



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9616 of 2019

1. Savudan,
2. Vairavan,
3. Veeralakshmi,
4. Kanniammal,

... Petitioners/Accused rank not known

Vs

The State rep by
The Inspector of Police,
All Women Police Station
Thiruverumbur
Trichy District
(Crime No. 11 of 2019).

... Respondent/Complainant

(Amended as per the order of this Honourable Court
made in Crl OP(MD)No.9616 of 2019 dated 30.07.2019)

For Petitioners: Mr.J.Sulthan Basha Advocate
for M/s.Ajmal Associates,

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

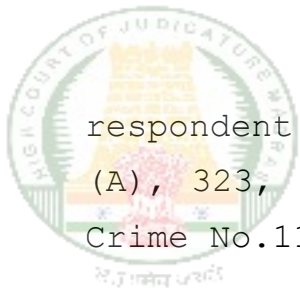
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 11 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), 323, 506 (i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.11 of 2019, seek anticipatory bail.

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2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that he is not pressing the petition for the third petitioner is concerned. He further submitted that on the previous occasion, the defacto complainant lodged a complaint before All Women Police Station, Thirumayam and hence, the petitioners herein have filed Crl.OP(MD)No.20348 of 2018 before this Court seeking anticipatory bail and at that time, the concerned police has stated before this Court that after enquiry, the said complaint was closed and recording the same, the aforesaid application was closed by this Court on 14.11.2018. He also produced a copy of the order passed by this Court in Crl.OP(MD)No.20348 of 2018. He further submitted that after closing of the aforesaid complaint there was no re-union between the parties and as such the allegations made in the complaint are totally false and therefore, he prayed for anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that it is true that the defacto complainant has already lodged a complaint before All Women Police Station, Thirumayam and at that time, both the parties appeared before the police and entered into a compromise and the first petitioner gave undertaking that he will take back the defacto complainant to home and based on the same, the said complaint was closed and subsequently, the first petitioner has not taken back the defacto complainant to home and hence the defacto complainant has lodged another complaint before the respondent police herein and based on the same, the present FIR, has been registered. She further submitted that the petitioners have harassed the defacto complainant



by demanding dowry and therefore, she strongly opposed this petition.

5. Taking into consideration of the fact that the learned counsel for the petitioners is not pressing the petition insofar as the third petitioner is concerned and that the other petitioners are concerned, already the defacto complainant has lodged a complaint before All Women Police Station, Thirumayam and thereafter, there was no re-union between the parties, this Court is inclined to grant anticipatory bail to the petitioners 1, 2 & 4 with certain conditions.

6. Accordingly, the petitioners 1, 2 & 4 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 - I, Trichy, on condition that the petitioners 1, 2 & 4 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 1, 2 & 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 1, 2 & 4 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 1, 2 & 4 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 1, 2 & 4 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/-
19/08/2019

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

TO

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

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.13742

ORDER
IN
CRL OP(MD) No.9616 of 2019
Date :19/08/2019

KM/PN/SAR-II (22.08.2019) 4P 6C