



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

PRESENT

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The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.18945 of 2018

1.RAMESH,
2 RANI,
3 SELVARAJ,
4 SURESH,

... PETITIONERS / ACCUSED 1 TO 4

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.489/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.SIVAPRAKASH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

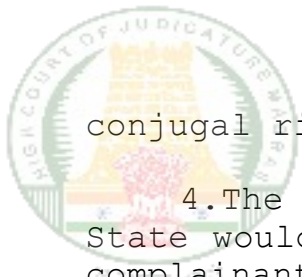
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 406 IPC, in Cr.No.489 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant were loved each other and performed their marriage on their own without the consent of the elders and family members in the year 2012. Thereafter, they gave birth two children. Subsequently, the defacto complainant's sister's marriage was performed with the blessings of the elders. At that time, 40 sovereigns of gold jewels were given to her sister. Hence, the petitioner and his family members demanded the dowry from the defacto complainant, for which the defacto complainant filed the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The first petitioner is ready to reunion with the defacto complainant, for which he filed a petition before the Sub Court, Thirumangalam for restitution of



conjugal rights and the same is pending.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that it is a matrimonial dispute and the defacto complainant refused to joint with the first petitioner and investigation is pending.

5.The defacto complainant also appears before this Court and submits that she is not ready to reunion with the first petitioner.

6.Considering the facts and circumstances of the case and considering the fact that the first petitioner has filed a petition for restitution of conjugal rights with an intention to reunion with the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. 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, Thirumangalam, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to MR.S.SIVAPRAKASH Advocate SR.No.3087

ORDER

IN

CRL OP (MD) No.18945 of 2018

Date :14/02/2019

AE/VR/SAR-II/19.02.2019/3P/6C