



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.19245 of 2018

1 RAJA
2 S.GOTHANDAM
3 RAJAMMAL
4 RAJATHI @ RAJESWARI

... PETITIONERS / ACCUSED 1 TO 4

Vs

STATE, REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI - TOWN, MADURAI.
CRIME NO.5/2018

... RESPONDENT / COMPLAINANT

For Petitioners: MR.K.S.DURAIPANDIAN, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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 punishable under Sections 498(A), 406, 294(b) and 506(i) of IPC read with Section 4 of Women Harassment Act, in Cr.No.5 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the other petitioners are the in-laws of the defacto complainant. The petitioners said to have been treated the defacto complainant with cruelty and also demanded more dowry, due to that the petitioners driven out the defacto complainant from her matrimonial home without giving her household articles and her ornaments. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the defacto complainant insist the first petitioner to take a separate house, besides she often entered wordy quarrel with the first petitioner for flimsy reasons. Moreover, so far as there is no issue between the first petitioner and the defacto complainant. Whereas bad instigation of the defacto complainant's sister, she left her matrimonial home without any reason. Hence,



the first petitioner herein filed a petition in H.M.O.P.No.615 of 2018 for restitution of conjugal rights before the Family Court, Madurai, wherein the Family Court direct the defacto complainant to appear before the Court, instead appearing before the Court, the defacto complainant lodged this false complaint as against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that this Court already referred Mediation and Conciliation Centre attached to this Court on 02.11.2018 and on 20.12.2018, the first petitioner gave a letter stating that he has handed over the balance jewels on or before 07.01.2019 but the same did not handover by the first petitioner.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.M

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Additional Mahila Court (Judicial Magistrate Level), Madurai on condition that the 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first petitioner is directed to hand over the balance 6 sovereigns of jewels on or before 08.02.2019.

[c] if the jewels will not be handed over, this order shall stand automatically cancelled.

[d] the first petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and the other petitioners (petitioners 2 to 4) shall report before the respondent police as and when required for interrogation

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

sd/-

28/01/2019

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

TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT (JUDICIAL MAGISTRATE LEVEL),
MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI - TOWN, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.19245 of 2018

Date : 28/01/2019

MS/PN/SAR-1/07.02.2019/3P.5C