



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.13345 of 2018
and
CRL MP (MD) No.10391 of 2018

1 SIRAJUDEEN
2 ABEETHA BEEVI
3 MEERAN MOHIDEEN
4 VASHILA
5 SYDIYA @ SYDIA BANU
6 ABDU HAMEED
7 RABIAH
8 AMINA BEGUM
9 MOHAMMED PILLAI

... PETITIONERS / ACCUSED
Nos. 1 to 9

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NILAKKOTTAI,
DINDIGUL DISTRICT.
Crime No.4 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.M.VEILKANI RAJU Advocate

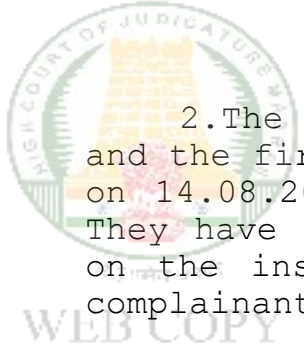
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

For Intervener : Mr.P.R.PRITHIVIRAJ Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498 (A), 294 (b), 323, 406 and 506 (i) IPC and Section 4 of the Dowry Prohibition Act and Section 4 of the Prohibition of Harassment of Women Act, in Crime No.4 of 2018, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant and the first petitioner are husband and wife. They have got married on 14.08.2005. She has been living in matrimonial home till 2018. They have three children. The first petitioner demanded more dowry on the instigation of other petitioners and harassed the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have nothing to do with the alleged offence.

4.The learned counsel appearing for the intervener would submit that the petitioner's family has taken all the jewels and cash. Hence, he seeks retaining of jewels and cash.

5.The learned counsel appearing for the petitioner would further submit that the first petitioner is not pressing for anticipatory bail and hence seeks permission of this Court not to press for anticipatory bail to the first petitioner. He has made an endorsement to that effect.

6.Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the intervener and the learned Government Advocate (Crl.side).

7.In view of the endorsement made by the learned counsel appearing for the petitioner that not to press for anticipatory bail to the first petitioner, this criminal original petition is dismissed as against the first petitioner.

8.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court inclined to grant anticipatory bail to the petitioners 2 to 9.

9. Accordingly, the petitioners 2 to 9 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, Nilakottai, on condition that the petitioners 2 to 9 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 said Magistrate, on further conditions that:

[a] if the petitioners 2 to 9 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

<https://hcservices.ecourts.gov.in/hcservices/>

[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Consequently, connected Miscellaneous Petition is closed.

sd/-
09/01/2019

/ TRUE COPY /

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

TO

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

+1. CC to Mr.M.VEILKANI RAJU Advocate SR.No.467
+1. CC to Mr.P.R.PRITHIVIRAJ Advocate SR.No.539

ORDER
IN
CRL OP(MD) No.13345 of 2018
and
CRL MP(MD) No.10391 of 2018
Date :09/01/2019

TK/VR/SAR-1/22.01.2019/3P/7C