



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

Friday, the Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.19393 of 2018

1 S.MANIKANDAN
2 VIJAYAKUMAR
3 JANANI
4 SARAVANAN

... PETITIONERS / ACCUSED RANK 1 TO 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.
CRIME NO.40/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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 Section 498(A), 506 (i) of IPC, in Cr.No.40 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnised between the first petitioner and the defacto complainant on 05.02.2016. But, they are not blessed with child. Thereafter, there was a dispute between them. The first petitioner along with other petitioner demanded dowry from the defacto complainant. Hence, the 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 the husband of the defacto complainant and other petitioners are only -in-laws and no way connected to this case. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that since it is a matrimonial dispute, initially the matter was referred to the Social Welfare Officer. However,



since they are unable to compromise the issue, sent back the case. Thereafter, the case was registered against the petitioners. There was no specific allegations against the petitioners 2 to 4.

5. Considering the facts and circumstances of this case and considering the fact that it is a matrimonial dispute, the petitioners 2 to 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 Additional Mahila Court, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two common 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 2 to 4 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 2 to 4 shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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.

6. This criminal original petition is dismissed in respect of first petitioner.

sd/-

08/02/2019

/ TRUE COPY /

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

TO

1 THE ADDITIONAL MAHILA COURT,
MADURAI.

2 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.



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

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JM/VR/SAR 2/22.02.2019/3P/4C

ORDER

IN

CRL OP (MD) No.19393 of 2018

Date :08/02/2019