



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

Thursday, the Thirty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19694 of 2018

1.DHANAPPAUL NAGULU,
2 CHITHRA NAYAGI,
3 MUTHULAKSHMI,

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION TOWN,
MADURAI CITY,
MADURAI DISTRICT,
(IN CRIME NO NOT KNOWN OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.M.ANBUNITHI Advocate

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

For Intervener : Mr.NIRANJAN S.KUMAR, Advocate

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 294(b) and 498(A) of IPC and Section 4 of Dowry Prohibition Act, in Cr.No.11 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant lodged a complaint against the petitioners that they have harassed her by demanding additional dowry and abused her in filthy language.

3. The learned counsel for the petitioners submitted that the de facto complainant has falsely implicated them in this case and they are innocent.

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

4. The learned Government Advocate(Crl.Side) would submit that



the case is arising out of matrimonial dispute between the *de facto* complainant and the petitioners.

5. Mr.Niranjan S.Kumar, learned counsel appearing for the intervener vehemently opposed the grant of anticipatory bail to the petitioners and stated that the first petitioner was employed at abroad and he has not taken proper care of the *de facto* complainant and he did not taken any steps with regard to medical treatment of the *de facto* complainant due to she could not consummate a child. Having the fault on the first petitioner, the other petitioners have been harassing the *de facto* complainant for begetting a child.

6. Taking into consideration the facts of the case and the submissions by learned counsels, 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, 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) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further conditions 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 petitioners shall report before the respondent police daily at 10:30 a.m. for a period of one week.

[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.

sd/-
31/01/2019

/ TRUE COPY /

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



TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT,
MADURAI

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION TOWN,
MADURAI CITY,
MADURAI DISTRICT,

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

+1. CC to Mr.R.M.ANBUNITHI Advocate SR.No.1987

ORDER
IN
CRL OP (MD) No.19694 of 2018
Date :31/01/2019

AE/JC/SAR-II/13.02.2019/3P/5C