



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.22787 of 2018

1 KANDASAMY,
2 MANIAMMAL,
3 RAMALAKSHMI,
4 GANESAN,
5 REVATHI,
6 MARIAPPAN,

... PETITIONERS / A 2 TO A7

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(CRIME.NO.29/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.SATHYA CHIDAMBARAM 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, apprehending arrest at the hands of the respondent police for the offence punishable under Section 294(b), 498(A), 506(i) r/w Section 4 of Tamilnadu Prevention of Dowry Prohibition Act and Section 4 of Tamilnadu Women Harassment Act, in Crime No.29 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the other petitioners are the relative of the first petitioner. The first petitioner and his family members jointly demanded additional dowry and abused and threatened the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that after receiving Sethana Article, the defacto complainant had given a false complaint and therefore may be

granted anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit the first petitioner is the husband of the defacto complainant. Due to demand of additional dowry, the defacto complainant has given the complaint. He would further submit that the first petitioner is a Government Employee and they have no previous case.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner, with certain conditions:-

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Rajapalayam, Virudhunagar, and on his executing 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 learned Magistrate concerned and on further condition that :-

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

[b] The petitioners report before the respondent Police daily at 10.30 a.m. for a period of two weeks thereafter 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 petitioner 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]**.

[g] 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 JUDICIAL MAGISTRATE, RAJAPALAYAM,
VIRUDHUNAGAR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.S.SATHYA CHIDAMBARAM Advocate SR.No.1960

PS/JC/SAR-4/08.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.22787 of 2018

Date :31/01/2019