



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

Thursday, the Fourteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22919 of 2018

1 L.MOORTHY
2 M.MUNIAMMAL

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
Crime No.Not Known of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.VENKATESHWAR Advocate

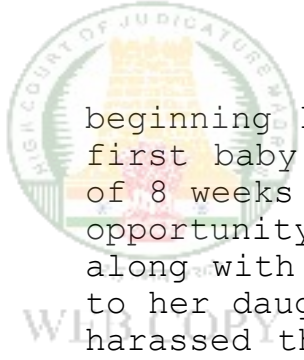
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 498(A), 406 & 506(i) of IPC, in Cr.No.4 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and A1 was solemnised on 22.02.2013. At the time of marriage the defacto complainant's parents gave diamond neckless, stud, bangles and ring worth about Rs.15,00,000/-, 130 sovereigns of gold jewels, Rs.1,00,000/- cash and a Maruthi Swift Desire car as srithana. Thereafter, they blessed with one male child and their parents also given 17 sovereigns of gold jewels to their child. After their marriage they went to New Jersy and working there. At that time the A1 along with the petitioners demand a house from the defacto complainant's father at Karaikudi. At the



beginning by the torture given by the A1 and the petitioners the first baby of the defacto complainant was got aborted at the stage of 8 weeks itself. Thereafter, they went to Bangalore. Again, by an opportunity the A1 went to London and took the defacto complainant along with him only on suspicion. Then, her father gifted the house to her daughter. But, even again the petitioners and A1 continuously harassed the petitioner by mentally as well as physically. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The petitioners are only father-in-law and mother-in-law of the defacto complainant. Accordingly, he prayed anticipatory bail for the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that there are serious allegations against the A1 and there is no specific allegations against these petitioners.

5.Considering the facts and circumstances of the case and considering the fact that there are no serious allegations against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, petitioners 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 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 learned Magistrate concerned and on further condition that:

(a)the petitioners 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 shall report before the respondent police 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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/03/2019

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/ 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, KARAIKUDI,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.VENKATESHWAR Advocate SR.No.4858

ORDER
IN
CRL OP(MD) No.22919 of 2018
Date :14/03/2019

TK/JC/SAR-4/20.03.2019/3P/6C