



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

Friday, the Fifteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The MEDIATION CENTRE

CRL OP(MD) No.20691 of 2018

1 TAMILSELVI

2 VARUN

... PETITIONERS / ACCUSED (RANK NOT KNOWN)

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI.

(CRIME NO. NOT KNOWN OF 2018)

... RESPONDENT / COMPLAINANT

PRIYA

... PETITIONER/INTERVENOR

For Petitioners : Mr.R.GANDHI Advocate

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

For Intervener : Mr.M.S.JEYAKARTHIK, Advocate

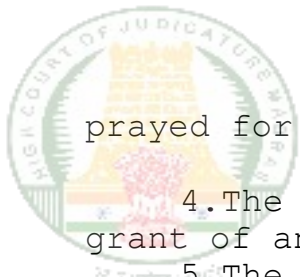
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 406, 323 IPC, Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002 and Section 4 of Dowry Prohibition Act, 1961, in Cr.No.2 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage of the A1 and the defacto complainant was solemnised on 23.11.2017. At the time marriage, the defacto complainant's parents gave 25 sovereigns of gold and other house hold articles, thereafter the A1 along with other accused persons demanded more 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 petitioners are only in-laws. There is no allegations against them. Accordingly, he



prayed for anticipatory bail.

4. The learned counsel for the intervenor vehemently opposed the grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the State would submit that there is no specific allegations against the petitioners.

6. Considering the facts and circumstances of the case and since there is no specific allegations against these 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 No.I, Sivagangai, 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 second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the first petitioner shall appear 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/-

15/02/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SIVAGANGAI,

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

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.3239

PS/VR/SAR-4/19.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.20691 of 2018

Date :15/02/2019