



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

Thursday, the Fourteenth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21179 of 2018

1 ASAITHAMBI
2 E.PARAMESWARAN
3 P.SETHURAMU AMMAL @ SETHURAMU
4 SANKARI @ SIVASANKARI
5 MURALI @ T.MURALITHARAN ... PETITIONERS / ACCUSED NO.1 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
CRIME NO.15/2017 ... RESPONDENT/COMPLAINANT
(NOW TRANSFERRED TO SAMAYANALLUR,
ALL WOMEN POLICE STATION, MADURAI DISTRICT)

ARUNDEVI ... PETITIONER/INTERVENER/DEFACTO COMPLAINANT

For Petitioner : MR.S.VIKRAM Advocate

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

For Intervener : MR.G.KARUPPASAMY PANDIAN, 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 IPC and Section 4 of Tamilnadu Woman Harassment Act, in Cr.No.15 of 2017 on the file of the respondent police now transferred to All Women Police Station, Samayanallur in Cr.No.20/18, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is husband and other petitioners are in-laws of the defacto complainant. The marriage was solemnised between them on 08.09.2016. However, they are not blessed with any children. After the marriage, there is no compatibility between the first petitioner and the defacto complainant and the first petitioner along with other petitioners demanded additional dowry from the defacto complainant. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>
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. Initially, defacto complainant filed a complaint before the Manamadurai Police Station. Thereafter, the first petitioner filed divorce petition before the III Additional Sub Judge, Madurai and the same is pending.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that initially the complaint was filed by the defacto complainant on 16.12.2017. Thereafter, Manamadurai Police station transferred to Samayanallur for further investigation. However, no serious allegation in respect of other petitioner.

5. Considering the facts and circumstances of the case and considering the allegations levelled against the first petitioner, this court is not inclined to grant anticipatory bail to the first petitioner. However, no serious allegations against other petitioners. Accordingly, petitioners 2 to 5 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.IV, Madurai, on condition that the petitioners 2 to 5 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 2 to 5 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 5 shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 5 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 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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 stands dismissed in respect of first petitioner.

sd/-

14/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR, MADURAI.

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

+1 CC to M/s.S.VIKRAM, Advocate (SR-3220[I] dated 18/02/2019)

ORDER

IN

CRL OP (MD) No.21179 of 2018

Date :14/02/2019

JM/PN/SAR 3/18.02.2019/3P/7C