



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

Date : 09/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9923 of 2019

1. Rajendran
2. Uma Maheswari ... Petitioners/Accused Nos.2 & 3

Vs

State by The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
Crime No. 14 of 2018. ... Respondent/Complainant

For Petitioners: Mr.R.Anand for
M/s.R.Nireesh Kumar,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

For Intervenor : Mr.A.K.Manickam, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. 14 of 2018 on the file of
the Respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offence punishable under Sections 498 (A),
406 of IPC, Section 4 of Dowry Prohibition Act, 1961, and Section 4
of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime
No.14 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that on 10.03.2016, marriage
was performed between the defacto complainant and A1 and at that
time, her father gave 75 sovereigns of gold jewels (65 sovereigns to

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



the bride and 10 sovereigns to the bridegroom) and other house hold articles as dowry. Thereafter, the accused persons demanded additional dowry and driven out the defacto complainant to her parent's house by causing cruelty.

4.The learned counsel appearing for the petitioners has submitted that without prejudice to the contentions of the petitioners, the petitioners have handed over a Demand Draft for Rs.24,00,000/- to the defacto complainant/Intervenor, and hence, he prayed to grant anticipatory bail to the petitioners.

5.The learned counsel for the Intervenor/defacto complainant has submitted that the defacto complainant has received the said Demand Draft from the accused persons A2 & A3.

6.A2 and A3 also appeared in person and said that they have handed over a Demand Draft for Rs.24,00,000/- to the defacto complainant. The defacto complainant also present and said that he has received the said Demand Draft.

7.The learned Government Advocate (Crl.Side) has submitted that the co-accused persons 2 & 3 have handed over the Demand Draft for Rs.24,00,000/- to the defacto complainant.

8.Taking into consideration the aforesaid facts and all the grounds, this Court is inclined to grant anticipatory bail to the petitioner.

9.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of 15 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 three weeks and thereafter, as and when required for the 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,BODI,
THENI DISTRICT.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODI, THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.NIRESH KUMAR Advocate SR.No.13447

ORDER
IN
CRL OP(MD) No.9923 of 2019
Date :09/08/2019

(4/5)
DSS
PK/VR/SAR-1/20.08.2019 : 3P/6C