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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9709 of 2019

1. Velammal,
2. A.Kannan,
3. Tamilalagu,
4. M.Kannan,
5. P.Parvathi, ... Petitioners/Accused Nos.2 to 6

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Thirupparankundram, Madurai.
(Crime No.15 of 2019). ... Respondent/Complainant

For Petitioners: M/s.C.Mayilvahana Rajendran,
Advocate.

For Respondent : Mrs,M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2019 on the file of
the the Respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 498 (A)
and Section 4 of Dowry Prohibition Act, in Crime No.15 of 2019, seek
anticipatory bail.

2. Heard both sides.

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

3.The learned counsel appearing for the petitioners has



submitted that even as per the FIR, the defacto complainant and A1 loved each other and married themselves. After the marriage, A1 got Government job and he demanded dowry from the defacto complainant and harassed her on the instigation of the petitioners. He further submitted that after their marriage, they led their matrimonial life separately. Hence, the petitioners are in no way connected in this case, and therefore, he prayed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent has submitted that the petitioners demanded dowry from the defacto complainant and criminally intimidated her. Hence, she opposed this petition. However, she fairly conceded that the main allegation is only against A1 and no previous case is pending against the petitioners.

5. A perusal of the FIR shows that the main allegations are only against A1. The petitioners herein are in-laws. The allegations against the petitioners herein is that they have instigated A1 to demand dowry and also considering the submission made by the learned counsel for the petitioner that after marriage, the accused No.1 and the defacto complainant were living separately because they loved each other and married themselves, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the 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 Additional Mahila Court, (Judicial Magistrate Level), Madurai, on condition that the 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

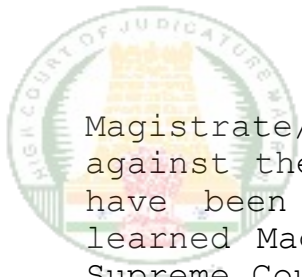
(ii) the the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the the petitioners shall not abscond either during investigation or trial.

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

(v) 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].

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

sd/-
10/07/2019

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

TO

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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-11436[I] dated 10/07/2019)

ORDER
IN
CRL OP(MD) No.9709 of 2019
Date :10/07/2019

dss
AE/JC/SAR-II (16.07.2019) 3P 6C