



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.9750 of 2019

Rajasuganya

... Petitioner/Accused No.4

Vs

State by The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
(Cr.No.14/2018).

... Respondent/Complainant

For Petitioner : M/s.R.Niresh 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 :-

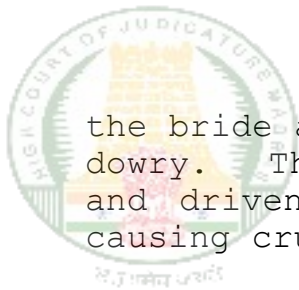
For Anticipatory bail in Cr.No.14 of 2018 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends 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, seeks 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



the bride and 10 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 petitioner has submitted that the petitioner is residing at Qatar from 2007 onwards and therefore, she is in no way connected with the aforesaid crime. He has further submitted that already A1 has filed divorce petition before the Family Court, Chennai. He further submitted that without prejudice to the contentions of the petitioner, the accused persons A2 & A3 have handed over a Demand Draft for Rs.24,00,000/- to the defacto complainant/Intervenor and hence, he requests to grant anticipatory bail to the petitioner.

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 petitioner is ordered to be released on bail in the event of arrest or his 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 petitioner 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 petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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

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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,
MADURAI 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.13446

ORDER
IN
CRL OP(MD) No.9750 of 2019
Date :09/08/2019
(3/5)

DSS
PK/VR/SAR-1/20.08.2019 : 3P/6C