



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

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10234 of 2019

1.K.Karthick
2.Krishnakumar
3.Vasantha

... Petitioners/Accused Nos.1 to 3

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai District.
Crime No. 23 of 2019.

... Respondent/Complainant

L.Indhu

...Intervener/Defacto Complainant

For Petitioners: M/s.S.S.Shahul Hameed, Advocate.

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

For Intervenor : Mr.S.Thangaraj Advocate.

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

PRAYER :-

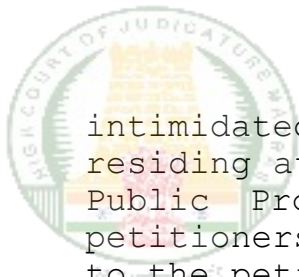
For Anticipatory Bail In Crime No. 23 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294
(b), 506 (ii), 406, 498 A of IPC, in Crime No.23 of 2019, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent persons and they have
been falsely implicated in this case. Even as per the FIR, on
19.10.2018, the defacto complainant married the petitioner/A1 and
living separately at Madurai. After the marriage, the petitioners
demanded more dowry from the defacto complainant and criminally



intimidated her. He further submitted that the petitioners 2 & 3 are residing at Trichy. Since, the defacto complainant's father is being Public Prosecutor, a false case has been foisted against the petitioners, and therefore, he prayed for grant of anticipatory bail to the petitioners.

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4.The learned counsel for the Intervenor/defacto complainant appearing for the defacto complainant has submitted that on 19.10.2018, the defacto complainant married the petitioner/A1. After the marriage, the petitioners demanded more dowry from the defacto complainant and criminally intimidated her. At the time of marriage, the petitioners 3 and 4 told the defacto complainant's parents that the first accused was drawing monthly salary of Rs.40,000/- except deductions. But, after marriage, it was came to know that his monthly salary is only Rs.25,000/-. He further submitted that the defacto complainant got pregnancy on January 2019 itself. At the time of his pregnancy, she was continuously harassed by the first petitioner. He further submitted that the first accused has demanded a sum of Rs.1,67,000/- from the defacto complainant and the same was transferred to his account and he has retained 5 sovereigns of gold jewel. Hence, he strongly opposed this petition.

4.The learned Government Advocate (Crl.Side) has adopted the arguments advanced by the learned counsel for the Intervenor/defacto complainant and she also prayed to dismiss the petition.

5.The main allegation is against first petitioner/A1 only. According the prosecution, A1 has retained 5 sovereigns of gold jewel and sum of Rs.1,67,000/- was transferred to the account of A1 as per the demand made by A1. Taking into consideration of the allegation made against A1, this Court is not inclined to grant anticipatory bail to A1. Insofar as the second and third petitioners concerned, they are only in-laws. Hence, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3 with certain conditions.

6. Accordingly, the petitioners 2 & 3 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, Magistrate Level, Madurai, on condition that the petitioners 2 & 3 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 petitioners 2 & 3 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



(ii) the petitioners 2 & 3 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 petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 & 3 shall not abscond either during investigation or trial.

(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].

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

7.Insofar as the first petitioner/A1 is concerned, this petition is dismissed.

sd/-
30/07/2019

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

TO

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

- +1. CC to Mr.S.S.SHAHUL HAMEED Advocate SR.No.12693
+1. CC to Mr.S.THANGARAJ Advocate SR.No.12692

ORDER
IN
CRL OP(MD) No.10234 of 2019
Date :30/07/2019

TK/VR/SAR.1/06.08.2019/3P/7C