



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2019

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PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.10478 of 2019

1. S.Muthu,
2. Sudalaikannu,
3. Kamalam,
4. S.K.Maya,
5. S.K.Mani, ... Petitioners/Accused No. 1 to 5

Vs.

The State rep by
The Inspector of Police,
All Women Police Station(Rural),
Palayamkottai, Thoothukudi District,
(Cr.No.6 of 2019)
(Amended as Per Order of
This Hon'Ble Court dated 28.08.2019 in
Crl.O.P(MD)No.10478 of 2019.

... Respondent/Complainant

For Petitioners : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.N.Mohideen Basha



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

PRAYER :-

For Anticipatory Bail in Cr.No.6 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioners, learned Government Advocate(Cri. Side) appearing for the respondent and learned counsel appearing for the intervenor.

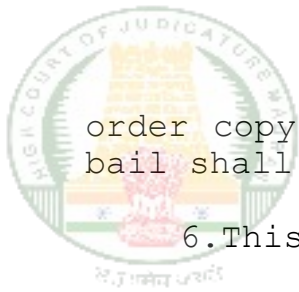
2.The petitioners are shown as accused in Crime No.6 of 2019 on the file of the AWPS, Tirunelveli for the offences under Section 352, 498(A) and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961.

3.The first petitioner is the husband, while the other petitioners are in-laws. I am inclined to grant anticipatory bail to the petitioners 2 to 5. The first petitioner is said to have assaulted the defacto complainant on 19.11.2018 and that, the defacto complainant is said to have sustained injury.

4.The learned counsel appearing for the defacto complainant produced a copy of the O.P.Sheet issued by the CMC Hospital, Sengalpattu.

5.The learned counsel appearing for the first petitioner would submit that the first petitioner has filed a petition against the defacto complainant in H.M.O.P.No.156 of 2019 on the file of the Sub Court, Kovilpatti. The filling of the H.M.O.P is subsequent to the assault committed on the defacto complainant. Therefore, this Court cannot infer that the lodging of the FIR is a counter blast. Hence, anticipatory bail is dismissed as far as the first petitioner is concerned, while it stands granted for the other petitioners. Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Tirunelveli and on their executing 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 learned Magistrate concerned and on further condition that the petitioners 2 to 5 shall appear before the respondent police as and when required for interrogation. The petitioners 2 to 5 shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

6.The petitioners 2 to 5 shall appear before the concerned Magistrate within a period of 15 days from the date on which the



order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

6.This Criminal Original Petition is partly allowed.

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05/09/2019

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

TO

1. the judicial magistrate no.i, tirunelveli.
2. do through the chief judicial magistrate,
tirunelveli.
3. The Inspector of Police,
All Women Police Station(Rural),
Palayamkottai, Thoothukudi District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.G.THALAIMUTHARASU, Advocate Sr. No. 14854
+1CC TO MR.N.MOHIDEEN BASHA, Advocate Sr. No. 14985

ORDER
IN
CRL OP(MD) No.10478 of 2019
Date : 05/09/2019

TR/PN/SAR-II (10.09.2019) 3P 7C