



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

Date : 31/07/2019

WEB COPY

PRESENT

**The Hon'ble Mr. Justice P. RAJAMANICKAM**

**CRL OP(MD) . No.10626 of 2019**

1. S.Nazar
2. N.Kurshit Bagam
3. N.Sadam Sait

... Petitioners/Accused  
(Rank not known)

Vs

State rep.by,  
The Inspector of Police,  
All Women Police Station,  
Thoothukudi  
in Crime No.20 of 2019.

... Respondent/Complainant

For Petitioners: M/s.C.Arulvadivel @ Sekar,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.20 of 2019 on the file of  
the Respondent Police.

ORDER : The Court Made the following order :-

The Memo dated 30.07.2019 filed by the petitioners is hereby  
recorded and the Registry shall carry out the necessary amendment.

2.The petitioners, who apprehend arrest at the hands of the  
respondent police for the offences punishable under Sections 498(A)  
and 294(b) of IPC and Section 4 of Dowry Prohibition Act, 1961 and  
Section 4 of Tamil Nadu Prohibition of Harassment of Women Act,  
2002, in Crime No.20 of 2019, seek anticipatory bail.

3.Heard both sides.

4.The learned counsel appearing for the petitioners has  
submitted that due to family dispute, a false case has been  
registered against the petitioners. He further submitted that it is  
purely family dispute. He further submitted that the petitioners are  
in-laws of the defacto complainant. Hence, he prayed for grant of  
anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for  
the respondent police has submitted that the investigation is still



pending and hence, she opposed this petition. However, she fairly conceded that the main allegation is made against A1 only.

6. Taking into consideration the fact that the petitioners are in-laws of the defacto complainant and also the fact that the only allegation made against the petitioners is that they instigated A1 to demand dowry and apart from the aforesaid allegation, no other allegations are made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

7. 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 Judicial Magistrate No.1, Thoothukudi, on condition that 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the petitioners 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.

sd/-

31/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. I,  
THOOTHUKUDI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI

3. THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
THOOTHUKUDI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.C.ARULVADIVEL @ SEKAR Advocate SR.No.12633

ORDER

IN

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Date : 31/07/2019

VSG

PK/PN/SAR-2/06.08.2019 : 3P/6C