



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10946 of 2019

1. B.Kanagadurga,

2. G.Balasubramanian, ... Petitioners/Accused No.3&4

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Thirupparankundram, Madurai District
(In Crime.No.21/2018).

... Respondent/Complainant

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

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

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

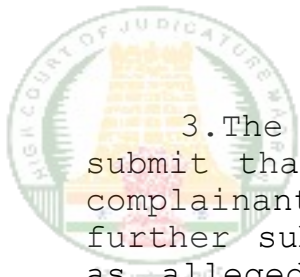
PRAYER :-

For Anticipatory bail in Cr.No.21/2018 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 498(A)
of IPC and SEction 4 of TNPHW Act seek anticipatory bail.

2. Heard both sides.



3.The learned counsel appearing for the petitioners would submit that the first petitioner is sister -in-law of the defacto complainant and the second petitioner is her husband. He would further submit that the petitioners have not committed any offence as alleged by the prosecution and they are innocents. He would further submit that the petitioners are at Chennai and they are working as teachers. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners herein harassed the defacto complainant and demanded more dowry. She opposed anticipatory bail petition on the ground that investigation is still pending.

5.Taking into consideration the fact that there is no specific allegation levelled against the petitioners herein and also the fact that the petitioners herein are in-laws , this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioners are 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 Additional Mahila Court, Madurai 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/08/2019

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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
MADURAI
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.ARULVADIVEL @ SEKAR Advocate SR.No.12847

ORDER
IN
CRL OP(MD) No.10946 of 2019
Date :02/08/2019

KM/VR/SAR-II (09.08.2019) 3P 6C