

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11516 of 2019

1.Mohammed Salaudeen
2.M.S.Asma Begam

.... Petitioners/Accused
Rank Not Known

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Tuticorin District.
Crime No.8 of 2019

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,
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.8 of 2019 on the file of the respondent

ORDER : The Court Made the following order :-

The Memo dated 21.08.2019 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), 294(b) and 506(ii) of IPC and Section 4 of Woman Harassment Act, in Crime No.8 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
<https://hcservices.ecourts.gov.in/hcservices/>

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 only allegation made against the petitioners is that they instigated A1 to demand dowry and 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 except the said 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, Kovilpatti, 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/-
21/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO I,
KOVILPATTI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI, TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.C.SUSI KUMAR Advocate SR.No.13917

ORDER
IN

CRL OP(MD) No.11516 of 2019
Date :21/08/2019

vsg
TK/MMS/SAR.3/28.08.2019/3P/6C

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