

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11563 of 2019

1. R.Ragunath
2. Elisabeth Rani Ragunath ...Petitioners/Accused(A2 & A3)

Vs

State Rep.by
The Inspector of Police,
Dindigul All Women Police Station,
Dindigul District.
(Crime No.15 of 2019) ... Respondent/Complainant

For Petitioner : M/s.J.Vijayaraja,
Advocate.

For Respondent : M/s.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.15 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 498(A), 294(b) and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.15 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are in-laws of the defacto complainant and they have not committed any offence and due to family dispute, they have been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioners.

3.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioners along with A-1 have demanded dowry from the defacto complainant. Hence, she opposed

this petition, as investigation is pending. However, she fairly conceded that matrimonial disputes are already pending between the first accused and the defacto complainant. She further conceded that in the F.I.R, the main allegations are only against A-1.

4.Taking into consideration of the fact that the petitioners are in-laws and the main allegations are made against A-1 and the only allegation against the petitioners is that they instigated A-1 to demand dowry and except the said allegation, no other allegation has been made against the petitioners and also the fact that matrimonial disputes are already pending between the first accused and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. 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.III, Dindigul on condition that the petitioners shall each 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, daily at 10.30 a.m for a period of one week and thereafter, 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].

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

sd/-

20/08/2019

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

TO

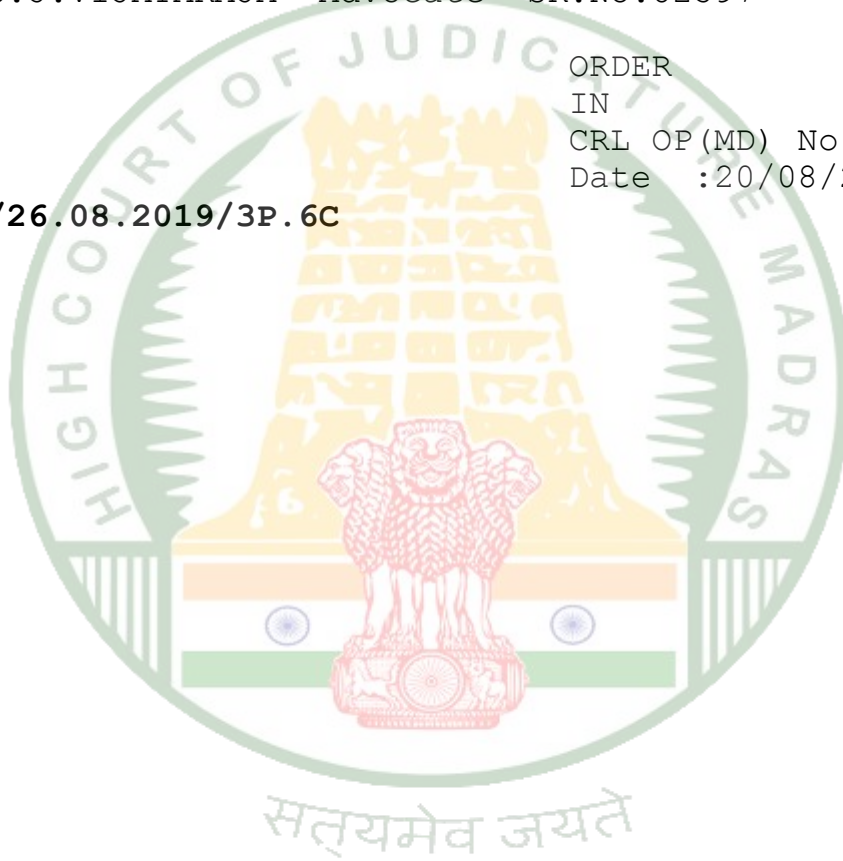
1. THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
DINDIGUL ALL WOMEN POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.VIJAYARAJA Advocate SR.No.82597

ORDER
IN

CRL OP(MD) No.11563 of 2019
Date :20/08/2019

MS/MMS/SAR-3/26.08.2019/3P.6C



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