



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

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PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11590 of 2019

1. Selvapathiran
2. Alagamma @ Alagammal
3. Karthiga
4. Mayavan s/o Ramasamy
5. Pathirakali
6. Balan
7. Padmanaban
8. Mayavan s/o Perumal
9. Alagunachi

... Petitioners/Accused 1 to 9

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
(Crime No.13 of 2019)

... Respondent/Complainant

For Petitioners: M/s. T. Lenin Kumar,
Advocate.

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

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

PRAYER :-

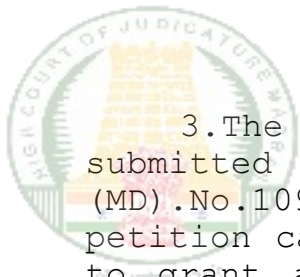
For Anticipatory Bail in Crime No.13 of 2019 on the file of the respondent.

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 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.13 of 2019, seek anticipatory bail.

2.Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>



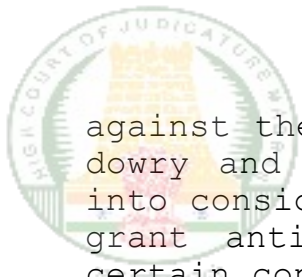
3.The learned counsel appearing for the petitioners has submitted that the petitioners herein have already filed Crl.O.P. (MD).No.10986 of 2019 seeking anticipatory bail and when the said petition came up for hearing on 07.08.2019, this Court has inclined to grant anticipatory bail to the petitioners 2 to 9 except the first petitioner and hence, the petitioners' counsel made an endorsement that he has withdrawn the petition in respect of the first petitioner alone but, this Court has mistakenly dismissed the entire petition. Hence, the petitioners have filed the present petition. He further submitted that in the FIR, there is no specific allegation against the petitioners that they have demanded more dowry and also harassed the defacto complainant. He further submitted that the defacto complainant wants to have a separate residence and for that, the petitioners have not agreed and hence, she lodged a false complaint and therefore, he prayed to grant anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl. Side) has submitted that at the instigation of the petitioners 2 to 9, the first petitioner demanded more dowry from the defacto complainant and also caused cruelty. She further submitted that already the defacto complainant has lodged a complaint before the respondent police on 08.05.2018 and during enquiry in that complaint, the first petitioner gave an undertaking that he will set up a separate residence for the defacto complainant within six months and based on the same, the said complaint was closed. But thereafter, he did not take any steps to take back the defacto complainant and also has not set up any separate residence and therefore, he strongly opposed this petition.

5.In so far as the first petitioner is concerned, it is seen from the FIR that on 08.05.2018 itself the defacto complainant has lodged a complaint before the respondent police and since no action was taken on the said complaint, she filed Crl.O.P.(MD).No.10809 of 2018 before this Court under Section 482 of Cr.P.C., to direct the respondent police to register the case and during pendency of the said petition, the respondent police has conducted enquiry and at that time the first petitioner gave an undertaking that he will set up a separate residence within six months and based on the same, the said Crl.O.P.(MD).No.10809 of 2018 was closed and thereafter, he has not taken any steps to have a separate residence and also has not taken any steps to take back the defacto complainant.

6.Taking into consideration of the aforesaid facts, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this criminal original petition is dismissed in respect of the first petitioner.

7.In so far as the petitioners 2 to 9 are concerned, they are only in-laws of the defacto complainant and only allegation made



against them is that they instigated the first petitioner to demand dowry and accordingly the first petitioner demanded dowry. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners 2 to 9 by imposing certain conditions.

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8. Accordingly, the petitioners 2 to 9 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, Palani, on condition that the petitioners 2 to 9 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 2 to 9 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 to 9 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 2 to 9 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 to 9 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 2 to 9 in accordance with law as if the conditions have been imposed and the petitioners 2 to 9 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/-
19/08/2019

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



TO

1. THE JUDICIAL MAGISTRATE, PALANI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALANI, DINDIGUL DISTRICT.

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.13690

ORDER

IN

CRL OP(MD) No.11590 of 2019

Date :19/08/2019

MS/VR/SAR-1/20.08.2019/4P.6C