

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11999 of 2019

1. Revathi,

2. Somasundaram, Petitioners/Accused Nos.2 & 3

Vs

The State Rep by
The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.11 of 2019).. Respondent/Complainant

For Petitioners: M/s. A. Thiruvadi Kumar,
Advocate.

For Respondent : Ms.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.11 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 294
(b), 498 A, 406 and 506 (ii) IPC, in Crime No. 11 of 2019, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has

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submitted that as per the FIR, on 05.12.2016, the marriage was solemnized between A1 and the defacto complainant. At the time of marriage, 11 sovereigns of gold jewels, house hold articles and Rs.1,50,000/- was given by the defacto complainant's parents as dowry. After marriage, on 10.08.2017, the defacto complainant came to know that A1 and the petitioners herein have sold her gold jewels. When she was questioned the same, they have assaulted her and criminally intimidated her. Thereafter, she left from matrimonial home on 09.02.2018 and living with her parents. He further submitted that the petitioners are innocent persons and they are in no way connected in the above case. He further submitted that the date of occurrence took place in the year 2017. The defacto complainant lodged a complaint before the respondent police in the year 2019 and A1 was already arrested and remanded to judicial custody, and hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioners along with A1 have sold the defacto complainant's gold jewels. When she was questioned the same, they have assaulted her and criminally intimidated her. A1 was already arrested and remanded to judicial custody. Hence, she opposed this petition.

5.Taking into consideration of the fact that already A1 was arrested and remanded to judicial custody and the petitioners herein are concerned they are parents of A1 and the allegations against the petitioners is that they told the defacto complainant on 10.08.2017, they have sold the jewels of her, but, she lodged a complaint against the petitioners after two years, 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 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.II, Kumbakonam, 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.

(ii) 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/-
28/08/2019

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

TO

1. The Judicial Magistrate, No.II,
Kumbakonam.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.11 of 2019).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.A.THIRUVADI KUMAR, Advocate Sr. No. 14208

ORDER
IN

CRL OP(MD) No.11999 of 2019
Date : 28/08/2019

TR/PN/SAR-I (05.09.2019) 3P 6C

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