

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11982 of 2019

1. Ayyalusamy
2. Kaliammal
3. Karupagam

... Petitioners/Accused Nos.2 to 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.11 of 2018).

... Respondent/Complainant

For Petitioners: M/s.A.R.Kannappan,
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.11 of 2018 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)
and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in
Crime No.11 of 2018, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that as per the FIR, A1 is the husband of the defacto
complainant and the petitioners herein are the in-laws of the
defacto complainant. The petitioners demanded money from the defacto
complainant and criminally intimidated her. He further submitted
that the main allegation is only against A1 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 have harassed the defacto complainant and criminally intimidated her and hence, she opposed this petition. However, she fairly conceded that the main allegation is only against A1.

5.Taking into consideration the fact that the petitioners herein are only in-laws of the defacto complainant and the allegations made against them is that they instigated A1 to demand dowry and caused cruelty and also the fact that the main allegations are only against A1, 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 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, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 1 & 2 shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation and considering the submission made by the learned counsel for the petitioners the third petitioner is working as a Nurse at Coimbatore, she 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 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/-
30/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI

2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT

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

+1. CC to M/S.A.R.KANNAPPAN Advocate SR.No.14481

ORDER

IN

CRL OP(MD) No.11982 of 2019

Date :30/08/2019

DSS

ES/PN/SAR 3/04.09.2019/3P/6C

WEB COPY