



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

Date : 08/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.6703 of 2020

1. Mercy Raj @ Mercy
2. Albert Raj
3. Reshmi

... Petitioners/Accused 2 to 4

Vs

The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
(Crime No.23/2020)

... Respondent/Complainant

Anisha Pauline

... Respondent/ Defacto Complainant

For Petitioners: M/s.M.P.Senthil, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervenor : Mr.G.Anto Prince, Advocate

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

PRAYER :-

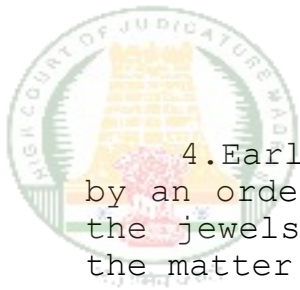
For Anticipatory Bail in Crime No. 23/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent and the learned counsel for the intervenor.

2.The petitioners, who are arrayed as A2 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 294(b), 452, 506(i) of I.P.C., and Sections 4, 6 of the Dowry Prohibition Act in Crime No.23 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners, who are in-laws of the defacto complainant, were said to have harrassed the defacto complainant by demanding additional dowry. Hence, a



4.Earlier, when the matter was taken up for hearing, this Court by an order dated 30.06.2020, directed the petitioners to hand over the jewels to the defacto complainant on 05.07.2020 and adjourned the matter today.

5.Today, when the matter is taken up for hearing, the learned counsel for the petitioners as well as the learned counsel for the intervenor would submit that pursuant to the order of this Court, the jewels were handed over to the defacto complainant.

6.Taking into consideration the above facts and circumstances of the case and also taking note of the fact that petitioners are in-laws, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Additional Mahila Court, Nagercoil, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b)the petitioners shall report before the respondent police as and when required for 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]***; and



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/07/2020

/ TRUE COPY /

WEB COPY

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT,
NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6703 of 2020
Date :08/07/2020

MS/PN/SAR-2/10.07.2020/3P.5C