



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

Date : 03/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7442 of 2020

1. Selvi
2. Mariyammal
3. Jayanan
4. Palanisamy

... Petitioners/Accused Nos.1to4

Vs

The State rep. by
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Cr.No. 178 of 2020.

... Respondent/Complainant

For Petitioners: Mr.D.Ramesh Kumar,
Advocate.

For Respondent : Ms.S.E.Veronica Vincent,
Government Advocate (Criminal Side)

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

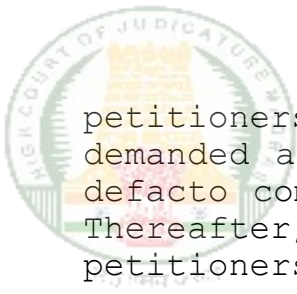
PRAYER :-

For Anticipatory Bail in Crime No.178 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 498(A) and 116 of IPC, in Crime No.178 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the third petitioner is the husband of the defacto complainant and other petitioners are in-laws of the defacto complainant. The marriage between the third petitioner and the defacto complainant was solemnized in the year 2018, and they have not blessed with any child. Due to which, the



petitioners said to have harassed the defacto complainant and demanded additional dowry from her. On the date of occurrence, the defacto complainant poured kerosene upon body and set fire herself. Thereafter, she was taken to the hospital with the help of the petitioners. Hence the present complainant.

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3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the third petitioner filed an affidavit stating that the matrimonial dispute has been settled between the parties. It is also stated that the third petitioner and the defacto complainant are living together. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side), on instructions, submitted that the matrimonial dispute between the parties has been settled and the third petitioner and the defacto complainant are living together.

6. Considering the facts and circumstances of the case and also considering the fact that the dispute between the parties has been settled and the third petitioner and the defacto complainant are living together, hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Illuppur, Pudukkottai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) 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;

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(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/09/2020

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/ /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,
ILLUPUR, PUDUKKOTTAI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7442 of 2020
Date : 03/09/2020

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