



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

Date : 31/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8759 of 2020

1. Rajiya Begum
2. Thavuth Khan
3. Sathik Batcha
4. Nisha Banu

... Petitioners/Accused No.2 to 5

Vs

State represented by,
The Inspector of Police,
All Women Police Station,
Tirunelveli Junction,
Tirunelveli City,
(In Crime No. 07/2020).

... Respondent/Complainant

For Petitioners : Mr.K.Navaneetharaja,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 07 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b) & 506(i) of IPC, in Crime No.07 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A-1 in this case got married the defacto complainant in the year 2018. Thereafter, A-1 and the petitioners said to have also demanded dowry from the defacto complainant and harassed her. The defacto complainant gave birth to a female child, the petitioners and A-1 said to have abused her and harassed. Hence, the complaint.



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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are in-laws of the defacto complainant and now A-1 and the defacto complainant are living together. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police has opposed for granting bail to the petitioners and submitted that there was an allegation of harassment.

6. Considering the fact and circumstances of the case and also considering the fact that the petitioners are in-laws of the defacto complainant and now, A-1 and the defacto complainant are said to have living together, 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 No.IV, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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

sd/-
31/08/2020

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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 NO.IV,
TIRUNELVELI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUNELVELI JUNCTION, TIRUNELVELI CITY
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8759 of 2020
Date : 31/08/2020

KSA
PK/PN/SAR-3/02.09.2020 : 2P/5C