



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

Date : 16/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11571 of 2020

1. Kanagaraj
2. Jeya
3. Jeya Chitra
4. Praghathan

... Petitioners/Accused No.2 to 5

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Crime No.38 of 2020

... Respondent/Complainant

For Petitioners: M/s.N.Dilip Kumar,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

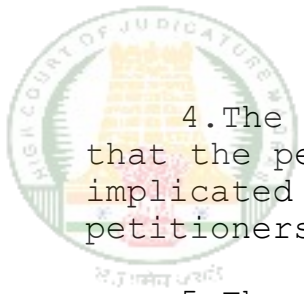
PRAYER :- For Anticipatory Bail in Crime No.38 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused A2 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498 (A), 406 & 294 (b) of IPC and Sections 4 & 6 of Dowry Prohibition Act, in Crime No.38 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 along with the petitioners demanded dowry from the defacto complainant and they said to have abused her with filthy language and threatened her with dire consequence. Hence, the complaint.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the A1 and the defacto complainant are the husband & wife and the petitioners herein are in-laws of the defacto complainant. A1 fell in love with the defacto complainant and both of them got married without consent of their parents and lead their matrimonial life separately. Thereafter, A1 along with the petitioners demanded dowry from the defacto complainant and they said to have abused her with filthy language and threatened her with dire consequence. Hence, he opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute and the petitioners are only in-laws of the defacto complainant, 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-I, Kuzhithurai, 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:

(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 1 & 4 shall report before the respondent police daily at 10.30 a.m without fail for a period of two weeks and thereafter, 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



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/-
16/10/2020

/ TRUE 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 NO.I, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
MARTHANDAM, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-7125[I] dated 19/10/2020)

ORDER
IN
CRL OP(MD) No.11571 of 2020
Date :16/10/2020

MS/VR/SAR-3/22.10.2020/3P.6C