



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

Date : 04/11/2020

PRESENT

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

CRL OP(MD). No.12359 of 2020

1.J.Sudha,
(Wrongly Shown as Vanaja)
2.Y.Lazer

... Petitioners/Accused Nos.6 & 7

Vs

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

For Petitioner : 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 Cr.No.38 of 2020 on the file of the respondent police.

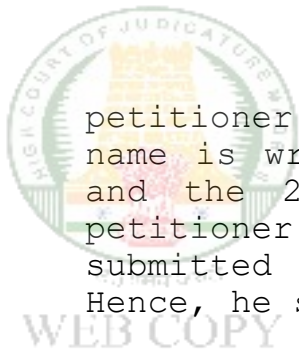
ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused A6 & A7, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498 (A), 406 and 294 (b) of IPC and Sections 4 & 6 of the 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 the petitioners along with the other accused 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 respondent.

4.The learned counsel appearing for the petitioners submitted that one of the petitioner is the maternal aunt of A1 and the 2nd



petitioner is the husband of the 1st petitioner. The 1st petitioner name is wrongly mentioned as Vanaja instead of J.Sudha in the FIR and the 2nd petitioner name was not mentioned in the FIR. The petitioner did not know even the name of the petitioners. He further submitted that A2 to A5 already released on bail by this Court. 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 and other accused 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. However, she fairly conceded that A2 to A5 already released on bail by this Court.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners are only in-laws of the defacto complainant and A2 to A5 already released on bail by this Court, 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 two 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:

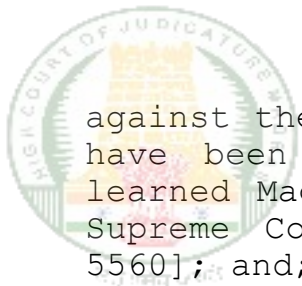
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the 1st petitioner 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 concerned or the Judicial 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;

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

sd/-
04/11/2020

/ 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 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-7293[I] dated 04/11/2020)

ORDER
IN
CRL OP(MD) No.12359 of 2020
Date :04/11/2020

dss
JM/PN/SAR III/11.11.2020/3P/6C

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