



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

PRESENT

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

CRL OP(MD). No.13678 of 2020

1. Sakubar Sathik
2. Kesal
3. Fathima Shireen

... Petitioners/Accused Nos.2 to 4

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Dindigul,
Dindigul District.
Crime No.16 of 2020

... Respondent/Complainant

For Petitioners: Mr.J.Sulthan Basha,
for M/s.Ajmal Associates

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

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

PRAYER :-

For Anticipatory Bail in crime No.16 of 2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 498(A), 406 of IPC and Section 4 & 5 of Dowry Prohibition Act and Section 4 & 5 of TN Prohibition of Harassment of Women Act, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with A1 demanded additional dowry from the defacto complainant. Due to which, the petitioners were said to have abused the defacto complainant by using filthy language and also threatened her with dire consequences. 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 herein are only in-laws of the defacto complainant. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners along with A1 demanded additional dowry from the defacto complainant. Due to which, the petitioners were said to have abused the defacto complainant by using filthy language and also threatened her with dire consequences.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners are only in-laws, I am 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 Additional Mahila Court, Dindigul, 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 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.

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sd/-
01/12/2020

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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 JUDGE,
ADDITIONAL MAHILA COURT, DINDIGUL.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.AJMAL ASSOCIATES, (SR-7815[I] dated 02/12/2020)

ORDER
IN
CRL OP(MD) No.13678 of 2020
Date :01/12/2020

DSS

TE/JC/SAR-IV : 04/12/2020 : 3P/5C