



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twentieth day of December Two Thousand Thirteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) No.9009 of 2013

1 A.NATARAJAN
2 DHANAPACKIAM
3 ARUN

..PETITIONERS/ACCUSED
(RANK NOT KNOWN)

ILLAIKKIYA

..INTERVENOR

Vs.

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM, MADURAI.
(CRIME NO. NOT KNOWN OF 2013)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SANKAR Advocate
For Respondent : Mr.K.V.RAJARAJAN, Government Advocate (Crl.Side)
For Intervenor : Mr.R.SRINIVASAN, Advocate

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

ORDER : The Court Made the following order :-

There are totally three accused and these petitioners apprehending arrest at the hands of the respondent police for the alleged Commission of offences, which is said to have been committed from 12.09.2010 onwards, punishable under sections 498(a) IPC and Section 4 of Dowry Prohibition Act, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the father-in-law; the second petitioner is the mother-in-law and the third petitioner is the husband of the defacto complainant. According to her, the marriage between her and the third petitioner was solemnised on 12.09.2010 and right from the date of marriage, she is subjected to harassment and ill-treatment at the hands of her husband and in-laws.

3. Learned counsel for the petitioner would submit that the matter has been referred for mediation and during the pendency of the mediation, jewels and articles were returned to the defacto complainant and therefore, custodial interrogation may not be required.

4. Learned Government Advocate (crl. side) would submit that the jewels and articles were returned to the defacto complainant and that the investigation is pending.

5. Learned counsel appearing for the intervenor would submit strongly opposes to grant anticipatory bail to the petitioners by submitting that only at the instigation of the first petitioner only, letters have been sent to the defacto complainant's father and all the
<https://hsevis.ecourts.gov.in/hsevis/> regard to demand of dowry and in the event of enlarging them on anticipatory bail, they likely to tamper with the evidence and hamper the witnesses.



6. Heard the learned counsel appearing for the petitioners; the learned Government Advocate(crl. Side) appearing for the State and the learned counsel appearing for the intervenor and perused the materials available on record.

7. This Court, taking into consideration of the fact that the third petitioner has filed a petition H.M.O.P.No.160 of 2013 for divorce, which is pending on the file of III Additional Sub Court, Madurai and further the jewels and articles were returned to the defacto complainant, is inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.VI, Madurai and on executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 11. 00 a.m. for a period of one week and thereafter, as and when required, for interrogation. The second petitioner shall appear before the respondent police, as and when required for interrogation and the third petitioner shall appear before the respondent police daily at 11.00 a.m. for a period of three weeks and thereafter, as and when required, for the purpose of interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petition for anticipatory bail stands dismissed.

sd/-

20/12/2013

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE III ADDITIONAL SUBORDINATE JUDGE, MADURAI.

2 -DO-THRO'THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, MADURAI.

3 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

4 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

5 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THIRUPPARANKUNDRAM, MADURAI.

6 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SANKAR Advocate SR.No.64080

ORDER IN

CRL OP(MD) No.9009 of 2013

Date :20/12/2013

PBK 06/01/2014 2P/8C