



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

Wednesday, the Tenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10251 of 2015

MOHAMED YASAR,

..PETITIONER/ACCUSED NO.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ERWADI POLICE STATION,
TIRUNELVELI DISTRICT,
CR.NO.8 OF 2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

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

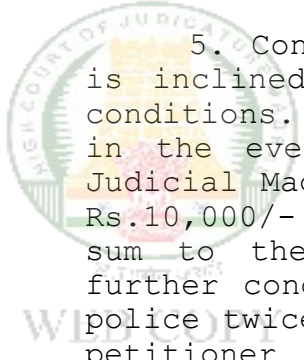
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1 apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 174 of Cr.P.C., @ 498(A) and 304(B) of I.P.C., in Crime No.8 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant, the second daughter was given marriage to the first accused and the deceased lived with her husband for 30 days and thereafter, separated due to family dispute. The de-facto complainant tried for reunion, but it failed and thereafter, on 12.01.2015, at 4.00 a.m., she committed suicide by self immolation.

3. The learned counsel for the petitioner submitted that the marriage between the petitioner and the daughter of the de-facto complainant had taken place on 22.01.2012 and even at the time of marriage, she was taking treatment for his mental illness and she left the matrimonial home. So, the petitioner sent a letter to the Jamaath on 30.08.2014, seeking for reunion and it was not properly responded by the de-facto complainant and the deceased. The Jamaath at Mettupalayam had also sent a letter to the deceased on 28.10.2014, but she failed to appear before the Jamaath. The learned counsel for the petitioner further submitted that admittedly the deceased was living away for more than 1 ½ years and therefore, the offence of 304(B) could not attract in this case. It is also submitted that the accused 2 to 6 were already granted anticipatory bail by the Sessions Court, Tirunelveli in Cr.M.P.No.1591 of 2015 on 09.04.2015.

4. Per contra, the learned Government Advocate (Crl.side) vehemently opposed the petition stating that the accused have harassed the deceased demanding more dowry and even when she was residing with her parents' house, they made unnecessary comments against the deceased. It is further submitted that the report of the R.D.O., would show that an accused had harassed the deceased demanding more dowry.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate, Nanguneri and on his executing a 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 petitioner shall appear before the respondent police twice a day at 10.00 a.m. and 5.00 p.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner 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/-

10/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

4 THE INSPECTOR OF POLICE, ERWADI POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.29671

ORDER IN

CRL OP(MD) No.10251 of 2015

Date :10/06/2015

PBK/AMF 16/06/2015 ::2P-6C::