



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

Monday, the Second day of March Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.1073 of 2015

1 T.MUTHU
2 UMARANI

... PETITIONERS/ACCUSED NO.1 & 3

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURAI SOUTH,
MADURAI DIST, CR.NO.24/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. M. MAHARAJA Advocate
For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.ARIVALAGAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 406, 294 (b), 506(i) IPC and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.24 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Earlier, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench and a failure report dated 19.12.2014 has been received. This Court, by order dated 09.02.2015, passed the following order:-

"This Court, by order dated 02.02.2015, passed an order directing the petitioners to pay a sum of Rs.50,000/- to the *de facto* complainant.

2. Today, when the petition is taken up, the learned counsel for the petitioners represented that the *de facto* complainant is in possession of a gold chain and a ring, which were given to her at the time of marriage by the petitioners. The *de facto* complainant has expressed her willingness that she will hand over the gold chain and ring.

3. Under such circumstances, the petitioners are directed to return a sum of Rs.50,000/- to the *de facto* complainant on or before 16.02.2015 in the presence of the respondent police and the *de facto* complainant is also directed to hand over the gold chain and ring. Till then, Interim Anticipatory Bail is granted to the petitioners and except women, the first petitioner shall report before the respondent Police daily at 06:30 PM. till then and the petitioner/woman shall report before the respondent Police as and when required for interrogation. In the meantime, the respondent Police shall either register a case or drop further action.

4. In the event of arrest, the petitioners are directed to appear before the court on bail on their executing a bond for Rs.10,000/- (Rupees Ten Thousand only) without sureties to the satisfaction of the Arresting Officer.



5. Call on 16.02.2015. On the said date, the respondent Police shall file a status report as to the stage of investigation."

3. Today, when the Criminal Original Petition was taken up, the learned counsel for the petitioners submits that a sum of Rs.50,000/- has been paid to the *de facto* complainant. The said submission made by the learned counsel for the petitioners is also accepted by the learned counsel for the *de facto* complainant. In such circumstances, I am inclined to grant Anticipatory Bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court [Judicial Magistrate Level], Madurai, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

The petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

sd/-
02/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE ADDITIONAL MAHILA JUDGE, (JUDICIAL MAGISTRATE LEVEL), MADURAI.

2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURA SOUTH, MADURAI DISTRICT.

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

+1. CC to M/S. M. MAHARAJA Advocate SR.No. 9740

SR : 03.03.2015 : 2p/5c

ORDER
IN
CRL OP(MD) No.1073 of 2015
Date :02/03/2015