



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

Tuesday, the Thirteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11725 of 2015

WEB COPY

1 MUTHAARU
2 MUPPUDAATHY
(*) 3 RAMESH @ MARIAPPAN
4 SUMATHY
5 MAARISATHYA

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AALANGULAM, TIRUNELVELI
CR.NO.9 OF 2015

... RESPONDENT/COMPLAINANT

VELLAIKANI

..INTERVENOR

For Petitioners : M/S.J.ARUL PRAKASH Advocate
For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)
For Intervenor : MR.D.VENKATESH, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498-A, **(*) 354 (A)**, 294(b), 406 and 506(ii) of I.P.C., and Section 4 DP Act, in Crime No.9 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, the marriage between the de-facto complainant and the first accused had taken place on 03.06.2013 and at the time of marriage, she was provided with 26 sovereign of gold jewels and Rs.2,25,000/- as cash and 13grms of gold chain to the first petitioner and after the marriage, the accused have forced the de-facto complainant to resign her job from the Postal Department and thereafter, all the accused joined together and demanded Rs.1 lakh as additional dowry and also harassed her.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and it is further submitted that due to matrimonial dispute, a false complaint was given against the accused.

4.It is further submitted that the first accused has filed H.M.O.P.No.204 of 2014 before the Principal Sub-Court, Tenkasi for ~~https://hcservices.ecourts.gov.in/hcservices/~~ after receiving notice in that petition, the de-facto complainant has lodged the present complaint against the petitioners with an ulterior motive.



5.The learned counsel for the intervenor vehemently opposed granting anticipatory bail to the petitioners contending that as per the order of this Court, the de-facto complainant has appeared before the Mediation and Conciliation Centre, but, the first accused has refused to take her to the matrimonial home and the de-facto complainant filed an application in H.M.O.P.No.9 of 2015 for restitution of conjugal rights and the same is pending before the Principal Sub-Court, Ambasamuthiram.

6.The learned Government Advocate (Crl.side) would submit that the fifth accused is not arrayed as an accused in this case in Crime No.9 of 2015. In view of the above, this petition is dismissed in respect of the fifth petitioner.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners No.1 to 4 with certain conditions.

8. Accordingly, the petitioners No.1 to 4 are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Tenkasi and on each of them 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 first petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders and the petitioners No.2 to 4 shall appear before the respondent police as and when required for interrogation. The petitioners No.1 to 4 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners No. 1 to 4 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/-
13/10/2015

**(*)AMENDED AS PER ORDER OF THIS
COURT DATED 23/11/2015 AND MADE IN
MP(MD)NO.2/2015 IN CRL.OP(MD)NO.11725/2015
BY VMVJ**

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, AALANGULAM, TIRUNELVELI
- +1. CC to M/S.J.ARUL PRAKASH Advocate SR.No.66801
- +1CC TO MR.D.VENKATESH, Advocate Sr.No.60734
- Akm/16.10.2015 /2p-7c/
- TE/SK/SKN/SARII/3/12/2015

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER
IN
CRL OP(MD) No.11725 of 2015
Date :13/10/2015