



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

Wednesday, the Eighteenth day of February Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.12920 of 2014

PERIYASAMY

... PETITIONER/SOLE ACCUSED

P.SUBBULAKSHMI

... INTERVENOR

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI CITY (SOUTH),
CRIME NO.NOT KNOWN OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SOLAISAMY Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.M.KANNAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A, 406, 294 (b) and 506(i) I.P.C. r/w Section 4 of Dowry Prohibition Act, in Crime No. not known of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner, the learned Government Advocate(Crl.Side) and the learned Counsel for the intervenor.

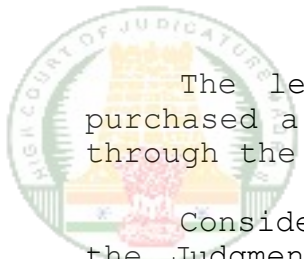
3. The learned Counsel for the intervenor very strongly objected to grant anticipatory bail to the petitioner.

4. Initially, the matter was referred to the Mediation and Conciliation centre and the failure report dated 25.09.2014 has been received. Since no regular case has been registered, this Court granted interim anticipatory bail to the petitioner to appear before the respondent police for investigation.

5. Today, the respondent police is present. It is represented that the petitioner appeared one day before the respondent police.

It is the case of the defacto complainant that the petitioner got married to her, after the death of the petitioner's first wife. Through the first wife, the petitioner has got a daughter by name Balameena and a son by name Nagaprakash. This petitioner also has a daughter by name Kayathri through the defacto complainant. It appears that the petitioner got married to the defacto complainant in the year 2004. Thereafter, it is alleged by the defacto complainant that the petitioner has driven her away also with holding her jewelry.

The learned Counsel for the petitioner brought to my notice the entire proceedings that has been initiated by the defacto complainant under the Domestic Violence Act before the Additional Mahila Court, Madurai, in which she has made 9 persons as respondents including Balameena and Nagaprakash.



The learned Counsel for the petitioner would submit that he has purchased a land in Thanamani Nagar in the name of his two children born through the first wife and Kayathri born through the defacto complainant.

Considering the facts and circumstances of the case and relying upon the Judgment of the Hon'ble Supreme Court in Arnesh Kumar Vs.State of Bihar reported in 2014 (8) Scale 250, this Court is inclined to grant Anticipatory Bail, this Court is inclined to grant Anticipatory Bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Madurai on condition that the petitioner 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:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

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

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

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judicial 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/-
18/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.III, MADURAI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURAI CITY (SOUTH),
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SOLAISAMY Advocate SR.No. 7956

SR : 24.02.2015 : 2P/6C



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Date :18/02/2015