



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

Monday, the Ninth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP (MD) No.13754 of 2014

1 SURESH
2 V.SELVAM
3 V.GANESAN
4 NAGAJOTHI

... PETITIONERS/ACCUSED NO.1, 2, 4 & 5

Vs

1. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL,
DINDIGUL DISTRICT. CR. NO. 24 OF 2014.

(*) 2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODI,
THENI DISTRICT. CR.NO.11 OF 2014. ... RESPONDENTS/COMPLAINANT

(Amended as per the order of this Hon'ble
Court made in MP(MD)No.1/14 in
Crl.OP(MD)No.13754/14 dated 05.02.2015)

For Petitioner : M/S.R.SURIYA NARAYANAN Advocate

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

For Intervenor : M/S.BENAZIR BEGUM, Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.11 of 2014, on the file of the second respondent police for the offence under Sections 498 (A) and 506(i) IPC and Section 4 of Dowry Prohibition Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the defacto complainant. The respondent police is present today.

On 12.02.2015 this Court passed the following order:-

"Apprehending arrest at the hands of the respondent police in Crime No.24 of 2014, on the file of the respondent police for the offence under Sections 498 (A) and 506(i) IPC and Section 4 of Dowry Prohibition Act, the petitioners are now before this Court seeking Anticipatory Bail.

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

2. Heard the learned counsel for the petitioners and the defacto complainant. The respondent police is present.



3. The case of the prosecution is that the first petitioner got married to the defacto complainant on 1.02.2013 and at that time of marriage, the parents of the defacto complainant had given 25 sovereigns of gold and Rs.5 lakhs cash and other house hold articles. At the time of marriage, it was represented that the first petitioner is working at Singapore and therefore there was such a demand. After marriage only, the defacto complainant came to know that the first petitioner is not working anywhere and he is without any job.

4. It appears that the defacto complainant has been subjected to untold cruelty inasmuch as she was forced to take some tablets to undergo abortion.

5. The learned counsel for the petitioners has strongly repudiated these allegations.

6. Since the allegations in the complaint are very serious, this Court is not inclined to grant anticipatory bail to the petitioner.

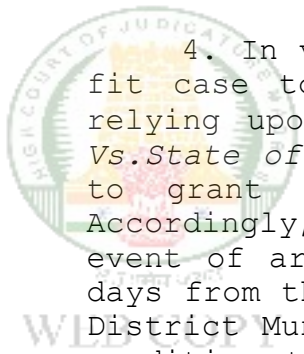
7. At this juncture, the learned counsel for the petitioners submits that he will get instructions from his client for returning of the jewels and cash of Rs.5 lakhs.

8. In view of the above, the interim anticipatory bail granted to the petitioners is extended upto 23.02.2015. In the meantime, the first petitioner shall appear before the respondent police everyday at 10.30 a.m. and with the help of the police return the jewels and house hold articles belonging to the defacto complainant including the cash of Rs.5 lakhs. The respondent police is directed to file status report. If the petitioner does not co-operate with the investigation, the same shall be mentioned in the status report.

9. Call on 23.02.2015 for reporting compliance."

3. The learned Government Advocate (crl. side) on instructions from the respondents police submitted that the first petitioner/husband has handed over all the house hold articles and other jewels belonging to the defacto complainant. The first petitioner/husband has also filed an affidavit, in which, he has stated as follows:-

"I submit that as per the amicable settlement between myself and the Intervenor/Defacto complainant I have handed over all the household articles of the Intervenor/Defacto complainant to her in the presence of the respondent police on 07.03.2015. Further I hereby undertake that I will ready to give a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the Intervenor/Defacto complainant towards one time settlement subject to the condition to withdraw of all the criminal case which was initiated by the Intervenor/Defacto complainant against me and my family members and also Intervenor/Defacto complainant to come forward to file consent divorce along with me before the Competent Court. During the amicable settlement the Intervenor/Defacto complainant has handed over all the Jewels are under her custody before the Police Officers."



4. In view of the above, this Court is of the opinion that this is a fit case to grant anticipatory bail to the petitioners and therefore, 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 to the petitioners 2 and 3 herein.. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Bodinayakanur, Theni District on condition that the petitioners 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 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/-
09/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, BODINAYAKANUR, THENI
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL, DINDIGUL DISTRICT.
4. THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
5. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODI, THENI DISTRICT.

SR : 12.03.2015 : 3P/6C

ORDER
IN
CRL OP (MD) No.13754 of 2014
Date :09/03/2015