



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.14011 of 2015

WEB COPY

1 RAJESHKUMAR
2 VERCITA

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DT
CRIME NO.25 OF 2015

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.SARAVANAN Advocate
For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

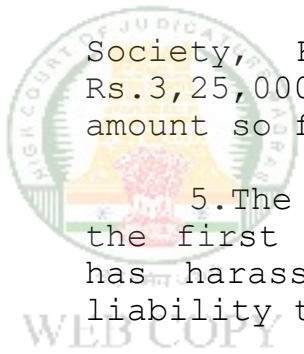
ORDER : The Court Made the following order :-

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), 406 and 506(ii) of I.P.C., and Sections 3, 4 and 6 of DP Act, in Crime No.25 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, the first accused married her on 22.05.2015 and at that time, the accused demanded Rs.5 lakhs as dowry, but the de-facto complainant has paid Rs.3 lakhs at the time of marriage and she was provided with household articles worth about Rs.1 lakhs. Whiles, the accused have physically and mentally harassed the de-facto complainant demanding additional dowry.

3.The learned counsel for the petitioners submitted that the first accused has admitted to receive Rs.3,25,000/- from the de-facto complainant, but, he could not immediately pay the amount and he is ready to pay the amount after selling his property. It is further contended that the second accused, who is the mother of the first accused, has been falsely implicated in this case.

4.Per contra, the learned counsel for the intervenor submitted that even prior to the marriage, the first accused has received Rs.2 lakhs as cash and the balance amount of Rs.3 lakhs was deposited in her account and that amount was withdrawn by the accused and due to that matrimonial dispute, the first accused has set fire to her clothes and also harassed the de-facto complainant physically and the first accused has appeared before the District Social Welfare



Society, Kanyakumari District agreeing to pay the amount of Rs.3,25,000/- on or before 25.06.2015, however, he has not paid the amount so far.

5.The learned Government Advocate (Crl.side) would submit that the first accused, who is the husband of the de-facto complainant has harassed mentally and physically and despite admitting his liability to pay Rs.3,25,000/-, he has not paid the amount so far.

6.Considering the facts and circumstances of the case and also considering the allegations made against the first accused, this Court is not inclined to grant anticipatory bail to the first petitioner and hence, this petition is dismissed in respect of the first petitioner.

7.In respect of the second petitioner is concerned, this Court is inclined to grant anticipatory bail to the second petitioner. Accordingly, the second petitioner is ordered to be released on bail in the event of her arrest or on her appearance before the learned Judicial Magistrate, Colachel and on 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 second petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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/-
13/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, COLACHEL.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGARCOIL.
 - 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL, KANYAKUMARI DISTRICT.
- +1. CC to M/S.M.SARAVANAN Advocate SR.No.60598
+1CC TO MR.S.SIVAKUMAR, ADVOCATE SR NO.60536

ORDER
IN
CRL OP(MD) No.14011 of 2015
Date :13/10/2015

rg.15.10.2015/SK/SKN/SAR-I 2P/7C.