



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

Tuesday, the Seventeenth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.14140 of 2014

1 NAVEEN KUMAR
2 SHANMUGAM
3 VIJAYALAKSHMI
4 THANIKASALAM
5 KANAKA

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIRANGAM,
TRICHY DISTRICT.
CR. NO. NOT KNOWN OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.KARTHICK Advocate

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

For Intervenor : MR.A.HARIHARAN, 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.not known of 2014, on the file of the respondent police for offences under Sections 498(A), 294(b) and 506(i) IPC and Section 4 of TamilNadu Dowry Prohibition Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Government Advocate for the respondent.

3. Earlier the matter was referred to Mediation and Conciliation Centre and the Mediation Centre has sent a failure report dated 23.01.2015.

4. Since only petition enquiry is pending, this Court granted interim anticipatory bail to the petitioners on 02.02.2015.

5. Today, the learned counsel for the petitioner submits that the petitioner is always ready to hand over the ornaments, jewelry and articles of the de-facto complainant, but the de-facto complainant, who does not want to receive the same.

6. The learned counsel for the de-facto complainant concurred with the submission made by the learned counsel for the petitioners and the learned counsel for the intervenor. The de-facto complainant is not taking her things from the petitioner, because she still hopes that there will be a reunion. The only apprehension expressed by the learned counsel for the de-facto



complainant is that the first petitioner wants to hand over all the articles as early as possible and get remarried.

7. The learned counsel for the petitioners submits that the first petitioner is not in a hurry to get remarriage and that he would get married only after civil Court decree is obtained. If that is so, he is directed to file an undertaking to that effect.

8. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, but with conditions.

9. 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 Judicial Magistrate No.III, Trichy, on executing a separate 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) at the time of furnishing sureties, the first petitioner shall give an undertaking before the Magistrate that he will not remarry until the decree of divorce is obtained from the competent Court.

(b) the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[e] 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].

10. It is seen from the case records that this Court in CrI.O.P.(MD) No.15778 of 2014 dated 09.02.2015, has directed the Assistant Commissioner of Police to monitor the petition enquiry. In compliance with the order of this Court, the Assistant Commissioner of Police, should monitor the petition enquiry and if there is no case made out against the petitioners, he may close the investigation. If there is a case made out, he may order registration of a regular FIR and this order of anticipatory bail will enure to the benefit of the petitioners and they need not apply again for anticipatory bail.

sd/-
17/02/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.III
TRICHY.

2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIRANGAM, TRICHY DISTRICT.

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

+1. CC to M/S.S.KARTHICK Advocate SR.No. 7394

SR : 24.02.2015 : 3P/6C

ORDER

IN

CRL OP(MD) No.14140 of 2014

Date :17/02/2015