



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

Wednesday, the First day of April Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.14625 of 2014

1 S.NALLEESWARAN
2 PULUKAIAMMAL
3 SUNDARARAJ
4 MURUGAESWARI
5 ESWARAN
6 KALIESWARAN

... PETITIONERS/ACCUSED 1 to 6

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SIVAKASI TALUK,
VIRUDHUNAGAR DIST, CR.NO.9/2014 ... RESPONDENT/COMPLAINANT

For Petitioner : MR. A.VELAN for M/S.AJMAL ASSOCIATES Advocate
For Respondent : MR.A.P.BALASUBRAMANIAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 494, 406 IPC and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.9 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate [Criminal Side] for the respondent police.

3. It is seen that this Court, on 24.03.2015, while granting interim anticipatory bail to the first petitioner herein and anticipatory bail to the petitioners 2 to 6 herein, had passed the following order:-

"3. It is represented by the *de facto* complainant that the petitioner has abandoned her and her child and has married one Sivasankari.

4. The learned counsel for the petitioners submits that the said Sivasankari is a relative of the first petitioner and that he has not married her. The learned counsel for the petitioners has also produced a copy of a



letter in which the articles belonging to the *de facto* complainant were returned to her. The police is directed to verify the genuineness of the same.

5. The learned counsel for the petitioners submits that the petitioners are ready to file an affidavit by the said Shivasankari that she has not married the first petitioner".

4. Today, the respondent police is present. The learned Government Advocate [Criminal Side], on instructions from the respondent police, submitted that the petitioners have handed over all the house hold articles to the *de facto* complainant, as found in the letter, referred to above. The petitioner has also filed an affidavit, in which in Paragraph No.2, it is stated as follows:-

I respectfully state that I have not married with one Shivasankari D/o.Chandran. The allegation made by the *de facto* complainant that I had married the above said Shivasankari is factually incorrect."

5. Thus, it appears that the *de facto* complainant is under an illusion that the first petitioner has married the said Shivasankari. Under such circumstances, this Court is of the view that this is a fit case to grant anticipatory bail to the first petitioner. Accordingly, the first 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, Sivakasi, on condition that the first 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 first petitioner shall report before the respondent police as and when required for interrogation.

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

[c] the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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/-

01/04/2015

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, SIVAKASI

2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SIVAKASI TALUK, VIRUDHUNAGAR DIST

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

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.16830

ORDER
IN
CRL OP (MD) No.14625 of 2014
Date : 01/04/2015

AA/08.04.2015/3p- 6c/