



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

Thursday, the Twenty Ninth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.15307 of 2014

1 JOSEPH DENNIS SAGAYAM
2 MARGARET

... PETITIONERS/ ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION, PULIYANGUDI,
TIRUNELVELI DISTRICT
CR.NO.384 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER Advocate

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)

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

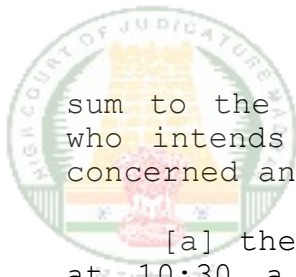
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 498(A), 406, 294 (b), 323, 324 and 506(ii) IPC and Section 4 of Dowry Prohibition Act in Crime No.384 of 2014 on the file of the respondent police, seek anticipatory bail.

2.The matter was referred to Mediation Centre, which has sent a failure report, in which, they have stated that the petitioners were present for mediation, but the de facto complainant was continuously absent.

3.Learned counsel for the petitioners submits that the 1st petitioner got married to the de facto complainant sometime in the year 2007 and they have one issue. It is stated that the 1st petitioner is having a renal problem and now is on dialysis.

4.Taking into consideration of the above and relying on the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar vs. State of Bihar and others**, reported in **2014 (8) Scale 250**, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that each of 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 1st petitioner shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required and the 2nd petitioner 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/-
29/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI, TIRUNELVELI DISTRICT.
- 2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION, PULIYANGUDI, TIRUNELVELI DISTRICT.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No. 4006.

TS/30.01.2015/2P-6C

ORDER
IN
CRL OP(MD) No.15307 of 2014
Date :29/01/2015