



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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.15551 of 2014

1 SEENIVASAN
2 JANAKIRAMAN
3 ESAKKI DEVI
4 JEYA
5 GOVINDARAJ

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

***THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TENKASI.
TIRUNELVELI DISTRICT.**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SANKAR 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 :-

Apprehending arrest at the hands of the respondent police in Crime No.28 of 2014, on the file of the respondent police for offences under Sections 498(A) 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, the learned counsel for the de-facto complainant and the learned Government Advocate for the State.

3. It is the case of the prosecution that the first petitioner got married to the de-facto complainant on 10.12.2012 and they have no issues. Their marriage ran into rough weather on account of which, the parties have separated. Now, it is alleged by the de-facto complainant that the petitioners have subjected her to cruelty. On the orders of this Court, it appears that the petitioners have returned the gold jewellery and other ornaments belonging to the de-facto complainant and also most of the household articles. Under such circumstances, relying upon Arnesh Kumar Vs.State of Bihar reported in 2014 (8) Scale 250, this Court is inclined to grant anticipatory bail to the petitioners, but with conditions.

4. 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, Tenkasi, 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) the petitioners shall report before the respondent police as and when required for interrogation.

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

(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].

5. It is represented by the police that the first petitioner has left certain articles in the police station and the de-facto complainant is not ready to take it. If the de-facto complainant is not ready to take the articles within two days, the same may be handed over to the petitioners, who shall take custody of the same.

sd/-
24/02/2015

***(Amended as per the order of this
Hon`ble Court dated 24.02.2015 and
made in MP(MD)No.1/2015 in
Crl.OP(MD)No.15551/2014)**

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

(Corrected order issued)

- 1 THE JUDICIAL MAGISTRATE ,
TENKASI, TIRUNELVELI DISTRICT.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

***5 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TENKASI, TIRUNELVELI DISTRICT.**

+1cc to M/S.M.SANKAR, Advocate in SR.No.10364

Sm:10.03.2015:2P/7C:

ORDER
IN
CRL OP(MD) No.15551 of 2014
Date :24/02/2015