



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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen

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PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.16224 of 2014

1 KANDASAMY
2 YASODAI
3 MAHALAKSHMI
4 POTH NAICKER
5 SUBBURAJ
6 LATHA

... PETITIONERS / ACCUSED Nos.1 to 6

Vs

THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT.
CRIME NO.16 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MARIMUTHU, Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

For Intervener : M/S.SOLAISAMY, 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.16 of 2014, on the file of the respondent police for offences under Sections 294(b), 354, 406, 498(A) and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act r/w Section 4 of Dowry Prohibition Act, the petitioners are now before this Court seeking Anticipatory Bail.

2.On 11.02.2015, this Court passed the following order by granting interim anticipatory bail:

"The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 354, 406, 498-A, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act r/w Section 4 of Dowry Prohibition Act, in Crime No.16 of 2014 on the file of the respondent police, seek anticipatory bail.



2. Initially, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench and failure report dated 05.02.2015 has been received.

WEB COPY 3. Today, the respondent police is present and it is represented that a regular case in Crime No.16 of 2014 has been registered against the petitioners for the above said offences.

4. The learned Government Advocate (Criminal side), on instructions from the respondent police, represents that the petitioners are holding 8 sovereigns of gold jewellery and Rs.40,000/- (Rupees Forty Thousand only) cash belonging to the *defacto* complainant.

5. In order to give an opportunity to the petitioners to return the jewellery, cash and other items of the *defacto* complainant, I am inclined to grant interim anticipatory bail to the petitioners till 18.02.2015. Accordingly, in the event of arrest, the petitioners are ordered to be released on interim anticipatory bail till 18.02.2015, on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) without sureties to the satisfaction of the Arresting Officer.

[a] the first petitioner shall report before the respondent police every day at 10.30 a.m., upto 18.02.2015 for interrogation and rest of them 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] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioners are complying with the order or not.

6. List the matter on 18.02.2015 for hearing.

7. In the meantime, the petitioners shall hand over all the articles belonging to the *defacto* complainant through the respondent police and report to this Court on 18.02.2015."



3. Heard the learned counsel for the petitioners, learned counsel for the intervenor and the learned Government Advocate for the State.

4. Today, the learned counsel for the petitioners submits that the gold jewelry are not with the petitioners. This is very strongly objected to by the learned counsel for the de-facto complainant. Taking into consideration the serious nature of allegations against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner and the petition is dismissed with regard to the first petitioner. As far as the other petitioners are concerned, they being the relatives of the first petitioner, relying upon **Arnesh Kumar Vs. State of Bihar** reported in **2014 (8) Scale 250**, this Court is inclined to grant anticipatory bail to them, but with conditions.

5. Accordingly, the petitioners 2 to 6 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.I, Sattur, 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 4 and 5 shall report before the respondent police everyday at 6.30 p.m. for a period of two weeks and thereafter as and when required for interrogation. The petitioners 2, 3 and 6 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 2 to 6 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 to 6 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 2 to 6 in accordance with law as if the conditions have been imposed and the petitioners 2 to 6 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]**.



[e] the Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether they are complying with the conditions or not. Petition dismissed as regards the first petitioner.

sd/-

24/02/2015

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/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SATTUR, VIRUDHUNAGAR DISTRICT.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
 - 3 THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SATTUR, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.MARIMUTHU, Advocate SR.No.8579.

ORDER IN
CRL OP(MD) No.16224 of 2014
Date :24/02/2015

msm 25.02.2015 p4/6c