



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

Wednesday, the Fourth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.16394 of 2014

WEB COPY

1 M.KUMAR
2 M.RAJESWARI
3 K.PRABHAKARAN
4 K.SUDHAKER
5 K.ANANDHA

... PETITIONERS/ACCUSED NO.1 TO 5

VEERAMANI

.... INTERVENOR

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUNELVELI RURAL,
TIRUNELVELI DIST,
CR.NO.38/2013

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.C.HEROLD SINGH Advocate

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

For Intervenor : MR.T.SELVAN, Advocate

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

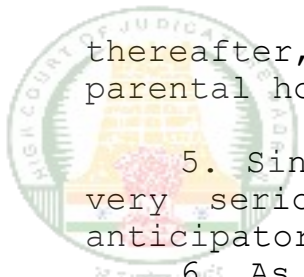
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A and 406 I.P.C. and Section 4 of Dowry Prohibition Act in Crime No. 38 of 2013 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) and heard the learned Counsel for the intervenor.

3. Earlier this matter was referred to the Mediation and Conciliation centre attached to this Bench and the mediation has been failed.

4. The case of the prosecution is that the defacto complainant got married K.Sudhaker (the third petitioner) on 07.06.2010 and they have two children through the wedlock. It is alleged that on 11.12.2012, she was made to sign on several blank papers and



thereafter, she was chased away with the two children to her parental home.

5. Since the allegations against the petitioners 1,2 and 3 are very serious in nature, this Court is not inclined to grant anticipatory bail to the petitioners 1, 2 and 3.

6. As regards, the petitioners 4 and 5, they are brothers of the third petitioner and relying upon the Judgment of the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar** reported in **2014 (8) Scale 250**, this Court is inclined to grant Anticipatory Bail to the petitioners 4 and 5.

7. Accordingly, the petitioners 4 and 5 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 No.I, Tirunelveli, 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 petitioners 4 and 5 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 4 and 5 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 4 and 5 shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial 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/-

04/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.1 TIRUNELVELI
2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI DISTRICT
3 THE INSPECTOR OF POLICE ALL WOMEN POLICE STATION,
TIRUNELVELI RURAL, TIRUNELVELI DIST,
4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.5206

+1 CC TO M/S.MR.T.SELVAN, Advocate SR.NO.5108

ORDER

IN

CRL OP(MD) No.16394 of 2014

Date :04/02/2015