



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

Monday, the Fifth day of January Two Thousand Fifteen

PRESENT

WEB COPY

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.17222 of 2014

1 T.MUTHU
2 UMA RANI
3 T.THIRUNAVUKKARASU

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI SOUTH, MADURAI DISTRICT.
CRIME NO.24/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.RAJAMOHAN, Advocate

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

For Intervener : M.S.S.ARIVALAGAN, 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 498(A), 406, 294(b) and 506(i) IPC and Section 4 of the Dowry Prohibition Act 1961, in Crime No.24 of 2014 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner got married to the de facto complainant, on 09.12.2012 and at the time of marriage, the parents of the de facto complainant had given 25 sovereigns of gold and Rs.50,000/- cash and also household articles. It is also alleged in the complaint that even thereafter, the petitioners were demanding more and more money from the de facto complainant and have been harassing her continuously.

3. The learned counsel appearing for the petitioners submits that the de facto complainant earlier lodged a complaint before the



police and when they filed CrI.OP[MD].No.16644 of 2014 for Anticipatory Bail, it was represented on behalf of the State that the enquiry was conducted and thereafter, it was closed. Accordingly, the said Criminal Original Petition was dismissed on 05.09.2014.

WEB COPY

4. Mr.Arivalagan, learned counsel for the intervener, submits that initially a complaint was filed and during the course of enquiry, the petitioner agreed to take back his wife and live with her peacefully. For the sake of smooth running of life, they had agreed to drop all further proceedings. Only thereafter, the *de facto* complainant realised that the petitioners had played a foul play.

5. On a reading of the complaint in the present Crime No.24 of 2014, it is seen that the *de facto* complainant has been subjected to harassment and torture by the first petitioner. On account of the adamant attitude of Uma Rani - the second petitioner herein, the matrimonial life was spoiled. Taking into consideration of the seriousness of the allegations against the petitioners 1 and 2, this Court is not inclined to grant Anticipatory Bail to them. Accordingly, CrI.O.P.(MD)No.17222 of 2014 is dismissed in respect of the petitioners 1 and 2.

6. As regards the third petitioner, the father of the first petitioner, this Court finds that the allegations against him are not very serious. Therefore, this Court is inclined to grant Anticipatory Bail to the third petitioner.

7. Accordingly, the third 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 Additional Mahala Court, [Judicial Magistrate Level, Madurai, on condition that the third 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



[a] the third petitioner shall report before the respondent police as and when required for interrogation.

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

[c] the third petitioner 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 third petitioner in accordance with law as if the conditions have been imposed and the third petitioner 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]**. Petition dismissed as regards first and second petitioners.

sd/-
05/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL MAHILA JUDGE (JUDICIAL MAGISTRATE LEVEL), MADURAI.
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, MADURAI SOUTH,
MADURAI DISTRICT.

+1. CC to M/S.R.RAJAMOHAN, Advocate, SR.No.24/5.1.15

+1. CC to M/S.S.ARIVALAGAN Advocate, SR.No.17/5.1.15

ORDER IN
CRL OP (MD) No.17222 of 2014
Date : 05/01/2015

msm 06.01.2015 p3/7c