



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Thirtieth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.17586 of 2014

1 A.SIVAJOTHI

2 M.THANGAM

..PETITIONERS/ACCUSED 3 & 4

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

MADURAI DISTRICT.

CR.NO.11/2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.M.MARICHELLIAH PRABHU Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government 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.11 of 2014, on the file of the respondent police for offences under Sections 498(A) and 406 of the Indian Penal Code and Section 4 of Dowry Prohibition Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. Earlier, this matter was referred to Mediation and Conciliation Centre and the Mediation and Conciliation Centre sent a failure report dated 19.01.2015.

3.It is the case of the prosecution that the de-facto complainant by name Rajeswari got married to one Saravanan/Al sometime in 2011. These two petitioners are the brother and sister of the said Saravanan. Since the allegations are not very serious, 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, but with conditions.

4. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance before the learned Judicial Magistrate, No.I, Madurai, 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 first petitioner shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the 2nd petitioner shall report before the respondent police as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[d] the petitioners shall not abscond either during investigation or trial.



[e] 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].

[f] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioners are complying with the order or not.

sd/-

30/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,ALL WOMEN POLICE STATION, MADURAI DISTRICT.

4 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S.C.M.MARICHELLIAH PRABHU Advocate SR.No.4282

ORDER IN

CRL OP(MD) No.17586 of 2014

Date :30/01/2015

PBK 02/02/2015 ::2P-6C: