



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

Wednesday, the Second day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.17640 of 2015

1 YESUDOSS
2 PUSHBAM
3 BERKMANS

... PETITIONERS/ ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
KULITHURAI,
KANYAKUMARI DISTRICT.
(CRIME NO.29 OF 2015)

... RESPONDENT/ COMPLAINANT

SEEJA

... PETITIONER/INTERVENER

For Petitioner : Mr.K.SEEMARAJ Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (CrI. Side)

For Intervener : Mr.S.C.HEROLD SINGH, Advocate

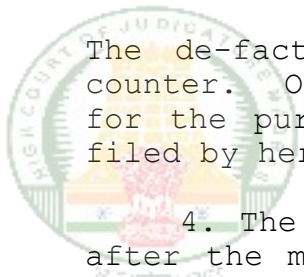
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 498(A) and 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.29 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the de-facto complainant was solemnized on 29.10.2012. From the date of marriage, the petitioners treated the de-facto complainant cruelly and demanded more dowry from her parents. Immediately after the marriage, the petitioners took all the jewels given to the de-facto complainant by her parents. The de-facto complainant demanded for return of jewels, the petitioners threatened her with dire consequences and abused her in filthy language.

3. The case of the petitioners is that they are innocent and they have been falsely implicated in this case. After the birth of child, the de-facto complainant voluntarily left the matrimonial home and living separately from 18.01.2013. On earlier occasion, the de-facto complainant gave another complaint before the respondent police and the same was closed as 'Mistake of Fact'. The first petitioner filed I.D.O.P.No.58 of 2015 and the same is pending before the Principal District Court, Kanyakumari District at Nagercoil.



The de-facto complainant entered appearance and took time for filing counter. Only after filing vakalth, she has given the present complaint for the purpose of harassing the petitioners, for withdrawing the case filed by her husband/first petitioner.

4. The learned counsel for the Intervenor submitted that immediately after the marriage, the petitioners took all the jewels of the de-facto complainant and demanded Rs.50,00,000/- as dowry to continue her marital life with the first petitioner. On the complaint given by the de-facto complainant, the petitioners were called for enquiry and they did not appear for enquiry and all the accused persons threatened the de-facto complainant to withdraw her complaint.

5. The learned Government Advocate (Criminal side) appearing for the respondent submitted that after the marriage, the petitioners treated the de-facto complainant cruelly and demanded more dowry from her parents and harassed her.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Kuzhithurai, and on each of them executing 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 learned Magistrate concerned and on further condition that the first petitioner shall report before the respondent police daily at 10.00 a.m., until further orders and the petitioners 2 and 3 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

02/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHURAI, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.SEEMARAJ Advocate SR.No.68925

ORDER

IN

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Date :02/12/2015