



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

Thursday, the Twelfth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.17787 of 2014

1 RAMASAMY

2 NAGARATHINAM

... PETITIONERS/ACCUSED NOS.2 AND 3

Vs

STATE.REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, TIRUMANGALAM,
MADURAI DISTRICT.

CR. NO. 48 OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.VADIVELAN Advocate

For Respondent : M/S.S.PRABHA Govt. Advocate (Crl. Side)

For Intervener : M/S. R.GANDHI Advocate

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

ORDER : The Court Made the following order :-

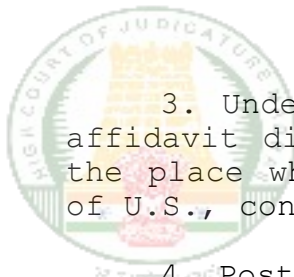
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A and 506 (i) IPC and Section 4 of Dowry Prohibition Act in Crime No.48 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. On 09.02.2015, this Court passed the following order:

"Initially the matter was referred to the Mediation and Conciliation Centre, attached to this Bench and failure report dated 15.12.2014 has been received.

2. The petitioners herein are the parents-in-law of the *defacto* complainant. It is stated that the *defacto* complainant got married to one Selvaraj Prabu on 26.05.2010 and thereafter, it appears that they were living in Chennai. They are blessed with one child. Thereafter, in the year 2011, Selvaraj Prabu was in U.S., leaving the *defacto* complainant and the kid here. Since the *defacto* complainant was not taken to U.S., by Selvaraj Prabu, she was forced to go back to her parents house, from where, she has lodged the present complaint. Selvaraj Prabu is said to be in U.S. and that he has not at all been communicating with his wife. The *defacto* complainant wants to join with him.



3. Under such circumstances, the petitioners are directed to file an affidavit disclosing the correct residential address, passport number and the place where Selvaraj Prabu is working and the social security number of U.S., concerning Selvaraj Prabu, before this Court on 12.02.2015.

4. Post on 12.02.2015."

WEB COPY

4. In compliance with the orders of this Court, the defacto complainant and her parents are present. The 1st petitioner is also present. It appears that the defacto complainant is desirous to join her husband and the 1st petitioner, who is the father-in-law of the defacto complainant also states that it will be in the interest of both families, if the couple unites. The defacto complainant submits that she will speak to her husband, who is now in USA and take call as to the future course of action in this regard.

5. This Court believes and hopes that both parties would see reason and bury the hatchet and rejoin in the interest of the beautiful child, which the defacto complainant has begotten. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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, Tirumangalam, 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 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.

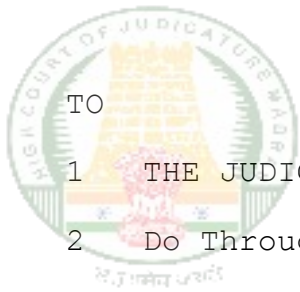
[c] the petitioners shall not abscond either during investigation or trial.

[d] 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]**.

sd/-
12/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)



TO

1 THE JUDICIAL MAGISTRATE, TIRUMANGALAM.

2 Do Through 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, TIRUMANGALAM, MADURAI DISTRICT.

+1. CC to M/S.T.VADIVELAN Advocate SR.No.6500.

+1cc to Mr. R.Gandhi Advocate in SR.No. 6822

TS/16.02.2015/2P-7C

ORDER

IN

CRL OP(MD) No.17787 of 2014

Date :12/02/2015