



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Thirtieth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.17810 of 2014

1 GANESHLINGAM

2 SHANMUGAM

3 SANTHIYA @ SELVI

4 GANESAN PILLAI

..PETITIONERS/ACCUSED

K.KALAISELVI

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, GEEAPURAM,
TRICHY.

CR.NO.NOT KNOWN OF 2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.VENKATESAN Advocate

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

For Intervenor : Mr.R.S.SIVARAM, Advocate

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

ORDER : The Court Made the following order :-

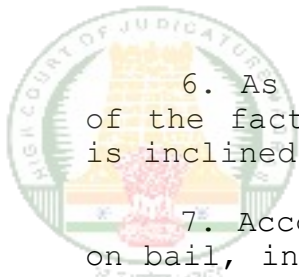
Heard the learned counsel for the petitioner; the learned Government Advocate (crl. side) and the learned counsel for the intervenor.

2. Initially, the matter was referred to the Mediation Centre and a failure report dated 06.02.2015 has been received.

3. It is the case of the defacto complainant that her marriage with Ganeshlingam, the first petitioner herein was arranged to be held on 29.07.2014. One day before the marriage, i.e. on 28.07.2014, the family of the bridegroom started demanding a sum of Rs.5 lakhs as dowry and therefore, the defacto complainant stopped the marriage and lodged the present complaint, based on which, a case in Crime No.13 of 2014 for the offences under Section 3 of the Dowry Prohibition Act and Section 4 of Tamil Nadu Harassment of Women Act has been registered against these petitioners.

4. The learned counsel for the petitioners submits that the defacto complainant is a divorcée and that she has suppressed this fact at the time of betrothal and had fixed the marriage, whereas according to the defacto complainant, the bride groom party knew very well that she was a divorcée and there was no suppression.

5. Be that as it may, since the allegation against the first petitioner is indeed very serious in nature, this Court is not inclined to grant anticipatory to him and accordingly, this petition is dismissed in respect of the first petitioner is concerned.



6. As regards the petitioners 2, 3 and 4, taking into consideration of the fact that they are relatives of the first petitioner, this Court is inclined to grant anticipatory bail to them, but with conditions.

7. Accordingly, the petitioners 2, 3 and 4 are ordered to be released on bail, in the event of arrest or on their appearance before the learned Judicial Magistrate No.III, Trichirappalli 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 petitioners 2, 3 and 4 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 2, 3 and 4 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2, 3 and 4 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 2, 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 2, 3 and 4 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/-

30/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

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

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, GEEAPURAM, TRICHY.

+1. CC to M/S.R.S.SIVARAM Advocate SR.No.16000

ORDER IN

CRL OP(MD) No.17810 of 2014

Date :30/03/2015

PBK 06/04/2015 ::2P-6C: