



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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.18119 of 2014

WEB COPY

1 MUTHU NADAR
2 SATHIYA

... PETITIONERS/ACCUSED 2 & 3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SANKARANKOVIL,
TIRUNELVELI DT,
CRIME NO.13/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.KARUNANITHI Advocate

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

For Intervener : MR.V.SASIKUMAR, ADVOCATE

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.13 of 2014 on the file of the respondent police for offences under Sections 498(A), 406 and 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. Initially, the matter was referred to the Mediation Centre for settlement and the failure report has been received.

3. The petitioners are the parents of the first accused Sakthivel. It is represented that Sakthivel got married to the de-facto complainant on 08.11.2010 and thereafter, both of them went to Australia where they were living. The de-facto complainant was also going to work and she was giving all her salary to her husband. It is alleged by the de-facto complainant that Sakthivel has been sending money to his parents in India and he has been living at the income of the de-facto complainant. Some differences arose between the de-facto complainant and Sakthivel and on account of which, the de-facto complainant had to leave from Australia and come to India. It is seen that the de-facto complainant has filed H.M.O.P.No.95 of 2014 against Sakthivel for divorce.



4. The learned counsel for the intervenor produced same documents showing that the substantial amounts have been sent in the joint account of the de-facto complainant and her husband from Australia to his parents. He would further submit that around Rs.20 lakhs have been sent from Australia to the petitioners herein.

5. It is admitted by both the parties that the jewelleries are with the de-facto complainant and only some household articles are with the petitioners. On a reading of the complaint given by the de-facto complainant it appears that even in Australia, though they were living in the same house, yet they were leading their own life independently. This is obvious from the following statement of Sakthivel that has been annexed with the complaint.

"Myself and my wife Anbu Karthigai Selvi Anburaj are living separated in the same house Unit 4/25 Good Street. My wife is not responsible for any dangers or accidents happened to me either inside or outside of the home. Also my wife is not responsible if I damage myself in anyway."

6. The petitioners herein are the parents of Sakthivel and they have always been living in India through out. On the directions of this Court, they have also filed an affidavit giving all the particulars of Sakthivel and the copy of the affidavit has been given to the de-facto complainant.

7. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioners, but with conditions. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance within a period of 15 days from the date of receipt of a copy of this order before the learned Judicial Magistrate, Sivagiri, 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 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/-

24/02/2015



TO

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SANKARANKOVIL,
TIRUNELVELI DT,

1 THE JUDICIAL MAGISTRATE SIVAGIRI

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

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

+1. CC to M/S.M.KARUNANITHI Advocate SR.No.8486

+2. CC to M/S.V.SASIKUMAR Advocate SR.Nos.7609 & 8591

ORDER

IN

CRL OP (MD) No.18119 of 2014

Date :24/02/2015

NA/26/02/2015/P3/8C