



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Tuesday, the Seventeenth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.18156 of 2014

1 SAM GANESAH RAMNATH

2 R.LALITHA

3 RAJAKUMAR

..PETITIONERS/ACCUSED 1 to 3

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, KARAIKUDI,

SIVAGANGAI DISTRICT.

CR. NO. 16 OF 2014.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.N.GOVARDHANAN Advocate

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

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

ORDER : The Court Made the following order :-

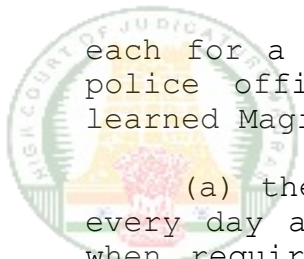
Apprehending arrest at the hands of the respondent police in Crime No.16 of 2014, on the file of the respondent police for offences under Sections 498(A) and 406 IPC and Section 3, 4 and 6 of Dowry Prohibition Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

3. Initially, the case was referred to the Mediation and Conciliation Centre and the Mediation Centre has sent a failure report dated 06.02.2015.

4. It is the case of the prosecution that the first petitioner got married to the de-facto complainant on 29.12.2008 and they have one child through the wedlock. It is seen that the first petitioner and the de-facto complainant belong to different religion and it was a love marriage. Thereafter for some personal reasons, they got separated and the first petitioner has filed O.S.No.172 of 2013 before the District Munsif Court, Karaikudi to declare the marriage as null and void. After the filing of the case, the de-facto complainant entered appearance on 09.10.2013 in O.S.No.172 of 2013 and thereafter as a counterblast, she has lodged a present complaint on 21.02.2014. On a reading of the complaint, the allegations are not very serious and relying upon **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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 6.30 p.m. for a period of two weeks and thereafter as and when required for interrogation and the other 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].

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

sd/-

17/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI, SIVAGANGAI DISTRICT.

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

3 THE DISTRICT MUNSIF, KARAIKUDI, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KARAIKUDI, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.K.N.GOVARDHANAN Advocate SR.No.7314

ORDER IN

CRL OP(MD) No.18156 of 2014

Date :17/02/2015

PBK 19/02/2015 ::2P-7C: