



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

Monday, the Ninth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.183 of 2015

WEB COPY

1 P.MUTHURAJ
2 M.NATCHIYAR
3 M.JEYAKUMAR
4 PANDIAN
5 MUTHUVEERAMMAL

... PETITIONERS / ACCUSED RANK NOT KNOWN

R.PRABHA

... INTERVENER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.
CR. NO. NOT KNOWN OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.SULTHAN BASHA for M/S.AJMAL ASSOCIATES Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervener : MR.ALAGURAM JOTHI,ADVOCATE

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

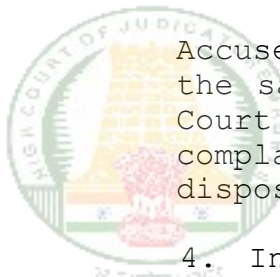
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 498(A) IPC and Section 4 of the Dowry Prohibition Act, 1961 in Crime No."not known" on the file of the respondent police, seek anticipatory bail.

2. This Criminal Original Petition has been filed showing the Crime Number as "not known". This Court, on 13.01.2015, granted Interim Anticipatory Bail to the petitioners with a direction to the petitioners to appear before the respondent police and take part in the investigation. On 27.01.2015, the third petitioner and the *de facto* complainant were present in Court and the third petitioner handed over all the certificates to the *de facto* complainant. Thereafter, on a further direction of this Court, the petitioners appeared before the respondent police and handed over all jewelleryes also.

3. Today, the respondent police have filed a status report, in which in Paragraph No.3, it is stated as follows:-

"In the meantime, the said *de facto* complainant and the Accused/Petitioners appeared before the Uthamapalayam All Police Station, on 14.01.2015. The Accused/Petitioners and the said *de facto* complainant gave the written statement for ready to solve their problem through Family Court. The



Accused/Petitioners accepted to give the articles and jewels of the said *de facto* complainant through the Hon'ble Madras High Court at Madurai Bench. Due to the statements of the *de facto* complainant and the Accused/Petitioners, the petition was disposed off on 14.01.2015."

4. In the light of the above, relying upon the Judgment of the Hon'ble Supreme Court in Arnesh Kumar Vs.State of Bihar reported in 2014 (8) Scale 250, this Court is inclined to grant Anticipatory Bail to the petitioners herein.

5. 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, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 Judicial 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 Judicial 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].

In the event of the police registering a regular case, the petitioners need not apply for fresh Anticipatory Bail and this order will enure to their benefit.

sd/-
09/03/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI.
 2. DO THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.
 3. THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM, THENI DISTRICT.
- +1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.11283

ORDER
IN
CRL OP(MD) No.183 of 2015
Date :09/03/2015