



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

Wednesday, the Eighteenth day of February Two Thousand Fifteen
PRESENT

THE HON'BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.18873 of 2014

1 N. KAJA MAIDEEN
2 I. NAINAR MOHAMED
3 N. JAMIMA BEGUM
4 J. JASMIN BEGUM

... PETITIONERS/ACCUSED 1-4

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODINAYAKANUR,
THENI DISTRICT.
CRIME NO. NOT KNOWN OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SHANMUGA RAJASETHUPATHY,
FOR M/S.P.MUTHUVIJAYAPANDIAN Advocate

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

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) and 506 (i) I.P.C. and Section 4 of Dowry Prohibition Act in Crime No. not known of 2014 on the file of the respondent police, seek anticipatory bail.

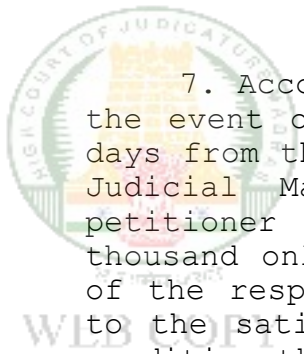
2. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side).

3. Earlier this matter was referred to the Mediation and Conciliation centre and the Mediation Centre has sent a failure report dated 12.11.2014. Initially, the petition was filed showing the Crime Number as not known and therefore, on 02.02.2015, this Court had granted interim anticipatory bail to the petitioners for a period of two weeks with a direction to appear before the respondent police and take part in the investigation.

4. Today, the respondent police have filed a status report in which they are stating that a regular case in Cr.No.4 of 2015 for offence under Section 498(A), 406 I.P.C. and Section 4 of Tamil Nadu Prevention of Women Harassment Act has been registered. The respondent police have also very fairly stated that pursuant to the direction issued by this Court, the first petitioner appeared before them, but the defacto complainant did not appear.

5. The first petitioner got married to the defacto complainant on 07.09.2005 and they have one son through the wedlock. Their matrimonial life was not very smooth and it appears that once there was a quarrel between the spouses and a settlement was arrived at before the Jamath on 02.06.2014. Thereafter the present complaint has been given.

6. On a reading of the allegations made in the complaint, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioners. 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.



7. 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, Bodinayakanur, 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 first petitioner shall report before the respondent police daily at 10.30a.m. for a period of two weeks and thereafter as and when required for interrogation and the petitioners 2 to 4 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]**.

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the first petitioner is complying with the order or not.

sd/-
18/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, BODINAYAKANUR.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODINAYAKANUR, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.MUTHUVIJAYAPANDIAN Advocate SR.No. 7673

SR : 24.02.2015 : 2P/6C