



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

Thursday, the Nineteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.19120 of 2014

1 M. SAMINATHAN
2 S.P.MURUGAPPAN
3 M. PUSHPALATHA
4 M. SHANMUGAPRIYA

... PETITIONERS / ACCUSED NO.1 TO 4

SUBAPRIYA

... INTERVENER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPATHUR TALUK,
SIVAGANGAI DT,
CRIME NO.NOT KNOWN OF 2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.N.BALAKRISHNAN Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN Government Advocate (Crl.Side)

For Intervener : MR.D.GANDHIRAJ,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 Sections 498(A) IPC and Section 4 of Dowry Prohibition Act, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. Initially, this matter was referred to the Mediation Centre and a failure report dated 06.02.2015 has been received from there. Since this petition has been filed showing the Crime Number as "Not Known", on 18.02.2015, this Court granted interim anticipatory bail to these petitioners with a direction to appear before the respondent police on alternate days at 05:30p.m. for two weeks.

4. It is the case of the defacto complainant that she got married to the first petitioner on 18.10.2010 and after the marriage, the first petitioner went to Singapore where he was employed. It is alleged by the defacto complainant that the first petitioner and his family members inflicted cruelty on her.

<https://hcservices.courts.gov.in/hcservices/> admitted by both parties that the first petitioner has returned all the jewels belonging to the defacto complainant and that only few household articles are with the petitioners.



6. Learned counsel for the defacto complainant submitted that the parents of the defacto complainant are still hoping that there will be a reunion and therefore, they do not want to receive the household articles.

7. Under such circumstances, relying upon the judgment of the Hon'ble Supreme Court in the case of Arnes Kumar vs. State of Bihar and others, reported in 2014 (8) Scale 250, this Court is inclined to grant anticipatory bail to these petitioners. 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, Thiruppathur, Sivagangai District, 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 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]**.

8. In the event of Police registering a regular case, anticipatory bail granted will enure to the benefit of these petitioners and they need not apply for a fresh anticipatory bail petition.

sd/-
19/03/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUPPATHUR, SIVAGANGAI DISTRICT.
2. DO THRO THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
3. THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPATHUR TALUK,
SIVAGANGAI DISTRICT.

ORDER
IN
CRL OP(MD) No.19120 of 2014
Date :19/03/2015