



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

Wednesday, the Twenty Fifth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.19589 of 2015

1 G. KALYANAMOORTHY@JAGATHEESH
2 K. GANESAN
3 RAMANI@MARY
4 G. MANIKANDA MOORTHY
5 MUTHAIAH
6 MUTHAMMAL ... PETITIONERS / ACCUSED NO.1 TO 6

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
(CRIME NO. 35 OF 2015) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S P.MUTHUVIJAYAPANDIAN Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 6, in Crime No.35 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 406 of the Indian Penal Code and also under Section 4 of TNPWH Act and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the first petitioner. In the their wedlock, a male child was born in the year 2010. The petitioners demanded dowry and tortured the defacto complainant and therefore, she has given a complaint.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence, as alleged by the defacto complainant and the defacto complainant has voluntarily left the matrimonial home. After leaving the matrimonial home, the defacto complainant has filed a petition under Domestic Violence Act in D.V.O.P.No.1134 of 2014 before the Judicial



Magistrate Court No.III, Nagercoil and she has also filed a petition for maintenance in M.C.No.5 of 2015 on the file of the Judicial Magistrate Court No.III, Nagercoil. Suppressing all these facts, the defacto complainant has given this complaint against the petitioners only to harass and humiliate them.

4. The learned Government Advocate (Criminal Side) submitted that originally petition enquiry was pending and subsequently, after investigation, a case has been registered against these petitioners in Crime No.35 of 2015 for the alleged offences punishable under Sections 498(A) and 406 of the Indian Penal Code and also under Section 4 of TNPWH Act.

5. The learned counsel for the petitioners submitted that the defacto complainant has given a complaint before the South Thamaraiikulam Police Station in Crime No.467 of 2015. In that case, the first petitioner was arrested.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6, with certain conditions. Accordingly, the petitioners 2 to 6 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.III, Nagercoil and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners 2 to 6 shall appear before the respondent police as and when required for interrogation. The petitioners 2 to 6 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 2 to 6 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

8. As far as the first petitioner is concerned, since he has already been arrested, this petition is dismissed against him.

sd/-

25/11/2015

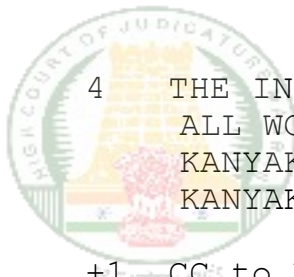
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.



4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.

+1. CC to M/S P.MUTHUVIJAYAPANDIAN Advocate SR.No.67459

WEB COPY

ORDER

IN

CRL OP (MD) No.19589 of 2015

Date :25/11/2015

RG.AN/SAR-II 26.11.2015 3P/6C.