



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

Wednesday, the Eleventh day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.20334 of 2014

1 ANGURAJ
2 DHARMARAJ
3 SELVI

... PETITIONERS/ACCUSED 1 TO 3

N.NAGESWARI

... INTERVENOR

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PALANI,
DINDIGUL DISTRICT. CRIME NO.10/2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

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

For Intervenor : MR.S.RAMU, Advocate

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

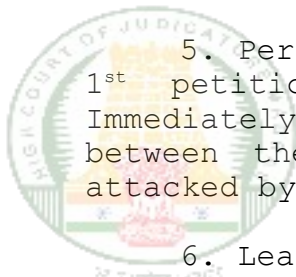
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 498-A, 323 and 506(i) IPC and Section 4 of Dowry Prhibition Act in Crime No.10 of 2014 on the file of the respondent police, 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 24.11.2014 has received.

4 The case of the defacto complainant is that on 17.02.2014, the 1st petitioner got married to the defacto complainant. Thereafter, the 1st petitioner started harassing her and asking her to get more and more money from her parents. The learned counsel for the defacto complainant brought to the notice of this Court that the 1st petitioner had created problems to the defacto complainant even while anticipatory bail petition was pending, on account of which, a case in Crime No.8 of 2014, on the file of Adivaram Police Station, Palani for offences under Section 294 (b), 498(A), 323 and 506(i) IPC r/w Section 4 of the Dowry Prohibition Act, 1961, came to be registered against the 1st petitioner. The petition seeking anticipatory bail in that case was also dismissed by the learned



5. Per contra, according to the petitioners, the marriage between the 1st petitioner and the defacto complainant was a love marriage. Immediately, thereafter in the month of April, 2014, problems arose between them. It is also alleged by the 1st petitioner that he was attacked by the father and the brother of the defacto complainant.

6. Learned counsel for the petitioners submitted that the petitioners lodged a complaint, which was also registered in Crime No.13 of 2015 on the file of Adivaram Police Station, Palani on 07.01.2015 against the defacto complainant and her mother for offences under Sections 294(b), 355 and 506(ii) IPC.

7. In the considered opinion of this Court, Crime No.13 of 2014 appears to be a counter blast to the case in Crime No.8 of 2014. Thus, it is apparent that the 1st petitioner and his family members have been subjecting the defacto complainant to untold cruelty and ill-treatment, as could be seen from the complaint.

8. Taking into consideration the serious nature of allegations against the 1st petitioner, inasmuch as the 1st petitioner has been subjecting the defacto complainant to continued harassment and cruelty, this Court is of the view that this is not a fit case to grant anticipatory bail to the 1st petitioner.

9. As regards the petitioners 2 and 3 are concerned, they are the parents of the 1st petitioner and therefore, relying upon the judgment of the Supreme Court in Arnesh Kumar vs. State of Bihar and others, reported in 2014 (8) Scale 250, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3. Accordingly, the petitioners 2 & 3 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, Palani, 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 2 & 3 shall report before the respondent police daily at 10:30 a.m. for two weeks and thereafter as and when required for interrogation.

[b] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 & 3 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].



10. This petition in respect of the 1st petitioner is dismissed.

sd/-
11/03/2015

/ TRUE COPY /

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

TO

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

+1. CC to M/S.D.VENKATESH Advocate SR.No. 11706
+1cc to MR.S.RAMU, ADVOCATE IN SR : 11558

SR : 12.03.2015 : 3P/7C

ORDER
IN
CRL OP(MD) No.20334 of 2014
Date :11/03/2015