



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

Tuesday, the Twentieth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.20436 of 2015

1 ESAKKIRAJ
2 KRISHNAVENI
3 POTHIRAJ

... PETITIONERS / ACCUSED No.1 to 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR,VIRUDHUNAGAR DISTRICT.
(CRIME NO. 32 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.SOLAISAMY Advocate

For Respondent : Mr.A.P.Balasubramani, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

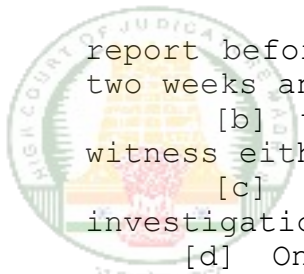
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 498-A and 506(ii) of Indian Penal Code r/w Section 4 of Dowry Prohibition Act, in Crime No.32 of 2015 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submits that he is not pressing this petition as against the first petitioner herein and he has also made an endorsement to that effect.

3. On a reading of the complaint, it appears that the allegations levelled against the petitioners 2 and 3 are not serious in nature and they are only the relatives of the first petitioner and further, the marriage has taken place in the year 2009. Therefore, 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 2 and 3 herein.

4. Accordingly, the petitioners 2 and 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 No.II, Virudhunagar, on condition that the petitioners 2 and 3 shall execute a separate 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. The order is made on the condition that the petitioners shall appear before the court on or before the date specified in the order and on further condition that:

[a] the second petitioner shall report before the respondent police as and when required for interrogation and the third petitioner shall



report before the respondent police daily at 06:30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 a compliance report to the Office of the learned Government Advocate (Criminal side), whether the third petitioner is complying with the order or not.

5. As regards the first petitioner herein, this petition is dismissed as withdrawn.

sd/-
20/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.SOLAISAMY Advocate SR.No.62272

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ORDER
IN
CRL OP(MD) No.20436 of 2015
Date :20/10/2015