



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

Wednesday, the Twenty Eighth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.20571 of 2015

M. MARIKANNAN

... PETITIONER / ACCUSED No.4

Vs

THE STATE REP.BY THE INSEPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AANDIPATTI,
THENI DISTRICT,
CRIME NO.15/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.GOKUL Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

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

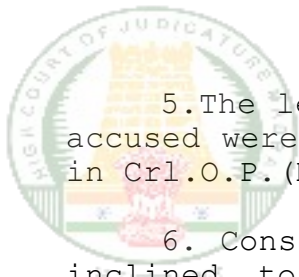
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A4, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A) and 506(ii) of I.P.C., and Section 4 of Tamil Nadu Prevention of Harassment of Women Act, in Crime No.15 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was married to the first accused on 14.11.2013 and at the time of marriage, she was provided with 40 sovereign of gold jewels and thereafter, when she was pregnant, the accused demanded additional dowry of 10 sovereign of gold jewels and Rs.50,000/- and tortured her and the first pregnancy was aborted due to the harassment of the accused and thereafter, the accused have joined together and physically assaulted the de-facto complainant.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case, due to matrimonial dispute between the petitioners and the de-facto complainant. It is further submitted that the present petitioner/A4 is the brother of the first accused.

4.Per contra, the learned counsel for the intervenor vehemently opposed the bail petition contending that the first pregnancy was aborted due to harassment of the accused and subsequently, the second accused has pushed the de-facto complainant against the wall and thereby, she sustained injuries and therefore, they are not entitled to get anticipatory bail.



5. The learned Government Advocate (Crl.side) would submit that the co-accused were already granted anticipatory bail by this Court on 12.10.2015 in Crl.O.P. (MD).No.20571 of 2015.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Aandipatti and on 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 petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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.

sd/-
28/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, AANDIPATTI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSEPECTOR OF POLICE, ALL WOMEN POLICE STATION,
AANDIPATTI, THENI DISTRICT.

+1. CC to M/S K.GOKUL Advocate SR.No.63556.

TS/30.10.2015/2P-6C / KBM/SAR - I

ORDER
IN
CRL OP(MD) No.20571 of 2015
Date :28/10/2015