



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

Wednesday, the Sixteenth day of December Two Thousand Fifteen

PRESENT

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

WEB COPY

CRL OP(MD) No.21028 of 2015

1 SELVARAJ

2 SAROJA

3 KALPANADEV

... PETITIONERS/ ACCUSED NO. 2,3 & 4

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

KOVILPATTI,

THOOTHUKUDI DISTRICT.

(CRIME NO. 11 / 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ANAND FOR MR. P.SAMUEL GUNASINGH Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Cr1. Side)

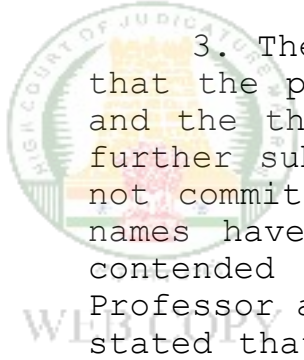
For Intervenor : MR.S.BASKAR MATHURAM, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 506(ii) of IPC and Section 4 of DP Act in Crime No.11 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the de facto complainant was solemnised on 19.06.2013. At the time of marriage, the first accused was working in Infosys Private Limited as Software Engineer in USA and he promised that he would return to India within one year on transfer. The parents of the de facto complainant gave 48 sovereigns of gold jewels and cash Rs.1,00,000/- and household articles worth about Rs.5,00,000/- as dowry to the petitioners. Subsequently, after marriage they have demanded more jewels and a sum of Rs.2,00,000/- from the de facto complainant. The de facto complainant's family did not give money and other gold jewels. Therefore, the petitioners thrown out the de facto complainant from the matrimonial home and this was informed to the first accused, who is in USA, but, he did not take any steps for re-union. In the meantime, a male baby was born on 26.06.2014 in the wedlock. But, the first accused and the petitioners did not see the child. Hence, on her complainant a case has been registered against the petitioners.



3. The learned counsel appearing for the petitioners submitted that the petitioners 1 and 2 are the parents of the first accused and the third petitioner is the sister of the first accused. He further submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. It is further contended that the third petitioner is working as a Assistant Professor at Mata Sundri College for Women, New Delhi. It is further stated that the de facto complainant has already given a complaint before the Social Welfare Department making false allegations against these petitioners and the first accused and the petitioners co-operated with enquiry and after enquiry that was closed. Subsequently, she has given a complaint before the Inspector General of Police on 13.06.2015 and after enquiry the same was closed. The de facto complainant has filed M.C.No.8 of 2015 under Domestic Violence Act and the same is pending. Thereafter, the de facto complainant has come out with the present complaint.

4. The learned counsel for the intervenor submitted that as promised by the first accused, he did not come to India. He further submitted that the petitioners planned to kill the child and child was escaped with minor injury. The petitioners tortured the de facto complainant by demanding dowry. Hence, he prays for dismissal of this petition.

5. The learned Government (Crl. Side) vehemently opposed to grant anticipatory bail to the petitioners and he has submitted that the investigation of the case is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners 1 and 2 are in-laws of the de facto complainant and the third petitioner is working as Assistant Professor at New Delhi, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Kovilpatti, 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 shall appear before the respondent Police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
16/12/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI.

3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.

+1. CC to M/S P.SAMUEL GUNASINGH Advocate SR.No.72291

ORDER

IN

CRL OP (MD) No.21028 of 2015

Date :16/12/2015

RG.JGB-DP/SAR-II 21.12.2015 3P:6C