



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Eleventh day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.21611 of 2014

1 VIYAKULAM

2 EUGENERAJ

3 MARIA SHANTHI

..PETITIONERS/ACCUSED 2 TO 4

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
CRIME NO.15 OF 2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.PON KARTHIKEYAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

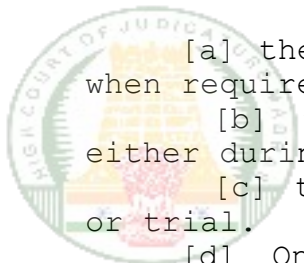
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 506(ii) of Indian Penal Code and Section 4 of Dowry Prohibition Act in Crime No.15 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Initially, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench and failure report dated 04.02.2015 has been received.

3. It is the case of the prosecution that the *defacto* complainant got married to one Antony Selvaraj (A-1) on 02.09.2011. Thereafter, there appears to have been lot of misunderstanding between them and ultimately, the *defacto* complainant has lodged the present complaint, based on which, the case has been registered and Antony Selvaraj (A-1) was arrested on 24.11.2014 and released on bail. It is also seen that Antony Selvaraj (A-1) has filed divorce proceedings in I.D.O.P.No.212 of 2014 before the District Court, Thoothukudi and the same is also pending. Since these petitioners are the relatives of the first accused, 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 herein.

4. Accordingly, the petitioners 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, Sathankulam, on condition that the petitioners shall execute a 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 learned Magistrate 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 shall report before the respondent police as and when required for interrogation.

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

[c] the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-

11/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, SATHANKULAM, THOOTHUKUDI DISTRICT.

2 -DO-THRO'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, TIRUCHENDUR,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.R.PON KARTHIKEYAN Advocate SR.No.6229

ORDER IN

CRL OP(MD) No.21611 of 2014

Date :11/02/2015

PBK 12/02/2015 ::2P-6C: