



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

Monday, the Thirtieth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.21770 & 22440 of 2014

1 S.RAJAGOPAL
2 R.ANUSIYA
3 M.RAJESWARI

..PETITIONERS 1 to 3/ACCUSED
(RANK NOT KNOWN)
in Crl.OP(MD)No.21770/2014
..PETITIONER/ACCUSED No.1
in Crl.OP(MD)No.22440/2014

R.RAJESHKUAMR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION-SOUTH,
MADURAI CITY.

CRIME NO. NOT KNOWN OF 2014 in Crl.OP(MD)No.21770/2014

CRIME NO. 30 OF 2014 in Crl.OP(MD)No.22440/2014

..RESPONDENT/COMPLAINANT
in Both the Petitions

For Petitioner : M/S.M.KARTHIKEYA VENKITACHALAPATHY, Advocate

in Both the Petitions

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

in Both the Petitions

For Intervenor : Mr.R.GANDHI, Advocate in Both the Petitions

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, 406, 341, 323, 294(b) and 506(i) IPC and Section 4 of Dowry Prohibition Act in Crime No.30 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Senior Counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. This Court granted interim anticipatory bail to these petitioners on 03.03.2015 with a direction to them to hand over the gold ornaments and household articles belonging to the defacto complainant. On 24.03.2015, when these matters were taken up for hearing, learned counsel for the petitioners contended that all the household articles and gold ornaments were handed over to the defacto complainant and there was a small dispute with regard to washing machine.

4. Learned counsel for the petitioners submits that the petitioners are holding the educational certificate of the defacto complainant.

5. Today, R.Rajeshkumar (the husband of the defacto complainant), who is the respondent in Crl.O.P. (MD) No.22440 of 2014 has filed an affidavit stating that he does not have any of the certificates belonging to the defacto complainant.



6. Learned counsel for the defacto complainant strongly objected to the grant of anticipatory bail to Rajeshkumar on the ground that he had brutally attacked his wife.

7. On a reading of the complaint, it appears that the defacto complainant and Rajeshkumar got married on 06.02.2014 and within a short span of time, they got estranged. The matter was also referred to the Tamil Nadu Mediation and Conciliation Centre and failure report dated 18.02.2015 has been received there from.

8. In view of the fact that the petitioners have returned all the household articles and gold ornaments to the defacto complainant, relying upon the judgment of the Hon'ble Supreme Court in the case of Arnesk Kumar vs. State of Bihar and others, reported in 2014 (8) Scale 250, this Court is of the view that it will serve the interest of justice, if anticipatory bail is granted to these petitioners. 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 No.1, Madurai, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) without sureties 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 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 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 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/-
30/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION SOUTH, MADURAI CITY.

+1. CC to M/S.R.GANDHI, Advocate SR.No.15930

+1cc to Mr.M.KARTHIKEYA VENKITACHALAPATHY,Advocate Sr.No. 16481