



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

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.21984 of 2014

1 SAHARIAH
2 RASALAYAN
3 KAMALAM
4 NEHEMIAH
5 JESI
6 MARIAL

... PETITIONERS / ACCUSED NO.1 TO 6

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.
CRIME NO. NOT KNOWN OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.K.M.APPAJI Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

FOR Intervenor :MR.JOHN JAYAKUMAR,ADVOCATE

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

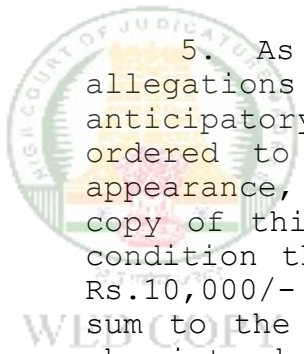
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 420, 406 and 506(ii) IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, 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 Centre and failure report, dated 06.02.2015, has been received.

3. Heard the learned counsel for the petitioner, the learned counsel for the *de facto* complainant and the learned Government Advocate [Criminal Side] appearing for the State.

4. On a closing reading of the First Information Report, it is seen that the *de facto* complainant got married to the first petitioner on 13.10.2011 and through the wedlock, they have two children. It is represented that the first petitioner is working abroad as Mason, on account of which, the *de facto* complainant gave sufficient money as dowry and household articles. Later on, the *de facto* complainant came to know that the first petitioner is not having proper job. The first petitioner seems to have taken further money for going abroad. In this case, as the services of the first petitioner are very serious, this Court is not inclined to grant Anticipatory Bail to them.



5. As regards the petitioners 4 to 6 are concerned, as the allegations against them are not very serious, I am inclined to grant anticipatory bail to them. Accordingly, the petitioners 4 to 6 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, Eraniel, on condition that the petitioners 4 to 6 shall execute 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 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 4 to 6 shall report before the respondent police shall report before the respondent police twice a day at 10:30 in the morning and 06:30 in the evening for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioners 4 to 6 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 4 to 6 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 4 to 6 in accordance with law as if the conditions have been imposed and the petitioners 4 to 6 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].

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioners 4 to 6 are complying with the order or not.

This Criminal Original Petition stands dismissed in respect of the petitioners 1 to 3 herein. Consequently, connected Miscellaneous Petition is closed.

sd/-
23/02/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, ERANIAL.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGARCOIL.

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

4.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL, KANYAKUMARI DISTRICT.

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.8305
+1cc to MR. J.JOHN JAYAKUMAR, ADVOCATE IN SR NO. 8665
ORDER

IN
CRL OP(MD) No.21984 of 2014
Date :23/02/2015