



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

Wednesday, the Eleventh day of March Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2311 of 2015

1 M.ANTHONY SANTHAPPAN

2 MANUEL CRUZ

3 DHANAM

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

(CR.NO.NOT KNOWN OF 2015) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.not known of 2015, on the file of the respondent police for offences under Sections 498A, 406 of the Indian Penal Code and Section 4 of Dowry Prohibition Act, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate.

3.Initially, this case was filed showing the crime number as 'not known'. Therefore, this Court granted interim anticipatory bail to the petitioners on 11.02.2015, with a direction to the petitioners to appear before the respondent police for a period of two weeks. Today, the respondent police is present. They have filed a status report.

4. The de-facto complainant in this case is the wife of the first petitioner. It is alleged by the de-facto complainant that she got married to the first petitioner on 09.11.2011 and they have one issue through the wedlock. It is alleged by the de-facto complainant that at the time of marriage, her parents had given 45 sovereigns of gold jewelry to her and the petitioner had subjected her to cruelty and had taken away her jewelry and built a house.



The matter was referred to the Social Welfare Officer for enquiry. The Social Welfare Officer in the report dated 13.02.2015 has not given a conclusive finding with regard to the jewelry in dispute. The Social Welfare Officer has left it to the police to investigate the same.

5. The learned counsel for the petitioners brought to my notice that the petitioners had purchased the house for Rs.13 lakhs on 17.01.2013 and even after that the de-facto complainant was having her jewels, as that could be seen from the photographs that were taken at the time of her 'Seemandham' on 17.03.2013. Therefore, the learned counsel for the petitioners contended that if the first petitioner has purchased the house with the de-facto complainant's jewelry, she could not have worn it on 17.03.2013. Taking into consideration the over all facts and circumstances, I am of the opinion that it is a fit case for grant of anticipatory bail, but with conditions.

6. 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.I, Thoothukudi, on executing a separate 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 shall appear 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].

[e] In the event the police register a regular case, this order of anticipatory bail will enure to the benefit of the petitioners and they need not apply again for anticipatory bail.

sd/-

11/03/2015

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 4 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.11690

ORDER

IN

CRL OP(MD) No.2311 of 2015

Date :11/03/2015

AA/13.03.2015/3p- 6c/