



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

Tuesday, the Eighth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23252 of 2015

WEB COPY

1 S. SANKAR	... PETITIONER / ACCUSED NO.1
2 SUBRAMANYA IYER	... PETITIONER / ACCUSED NO.2
3 VIJAYA @ RUGMANI AMMAL	... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI
DISTRICT - 629 001
(CRIME NO. 15 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.C.THIRUPPATHI CHELLASAMY Advocate
For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

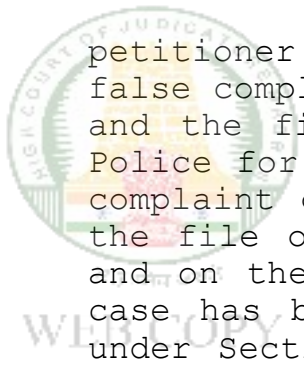
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 294(b) IPC, 3 & 4 of Dowry Prohibition Act and 4 of Women Harassment Act in Crime No.15 of 2014 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 petitioner and the de facto complainant was solemnised on 11.05.2006. Two female children viz., Mithra and Nethra were born in the wedlock on 25.10.2007 and 24.04.2012 respectively. Thereafter, the petitioners demanded additional dowry and tortured the de facto complainant. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not demanded any dowry. After the marriage, the de facto complainant started to behave arrogantly and dominating the petitioners and also she used to quarrel with the petitioners on flimsy reasons. While the same was questioned by the first petitioner, she threatened the petitioners that she would give a false complaint against the petitioners under the dowry harassment Act. He further submitted that the de facto complainant left the matrimonial home on 25.06.2013 and thereafter, the first petitioner filed HMOP.No.1266 of 2013 on the file of the Family Court, Trivandrum. After receiving summon, the



petitioner did not appear before the Court, but, she has given a false complaint against the petitioners before the respondent Police and the first petitioner has also appeared before the respondent Police for enquiry on 30.07.2014. In the meantime, she gave another complaint on the same day and filed the Crl.M.P.No.3674 of 2014 on the file of learned Judicial Magistrate court to register a case and on the direction issued by the learned Judicial Magistrate, a case has been registered in Crime No.15 of 2014 for the offences under Sections 498(A), 406, 294(b), 3 and 4 of Dowry Prohibition Act and 4 of Women Harassment Act.

4. The learned Government Advocate (Crl. Side) would submit that the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the HMOP.No.1266 of 2013 filed by the first petitioner is pending before the Family Court, Trivandrum, 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, Nagercoil and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners 2 and 3 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.

6. 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/-
08/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL
 - 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
 - 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI DISTRICT - 629 001
- +1. CC to M/S T.C. THIRUPPATHI CHELLASAMY Advocate SR.No.70116

ORDER
IN
CRL OP(MD) No.23252 of 2015
Date : 08/12/2015