



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

Friday, the Twenty Seventh day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.2542 of 2015

WEB COPY

1 C. JEYAKUMAR
2 PUNITHA
3 RUSSALAYYAN

... PETITIONERS/ACCUSED 1 to 3

Vs

THE STATE REP BY
THE SUB-INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KUZHITHURAI, KANYAKUMARI DT,
CRIME NO.NOT KNOWN OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C. MUTHUSARAVANAN Advocate

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

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

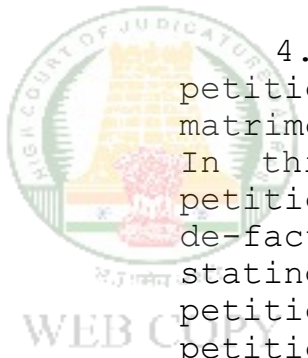
ORDER : The Court Made the following order :-

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 498(A), 406 IPC and Sections 3,4 and 6 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 for the State.

3. This petition has been filed showing the crime number as not known and petition enquiry in CSR No.369 of 2014 was conducted. Therefore, this Court granted interim anticipatory bail to the petitioners on 13.02.2015 with a direction to the petitioners to appear before the respondent police and cooperate with the investigation. Today, when the matter was taken up, the respondent police has filed a status report in which, it is stated as follows:

"3.I humbly submit that this Hon'ble Court granted interim Anticipatory bail to the petitioners for a period of two weeks with the condition that the petitioners should report before this respondent daily at 6.30 p.m. Accordingly, the petitioners 1 and 2 have been regularly reporting before the respondent.



4.I humbly submit that I conducted enquiry on the petition of the de-facto complainant. She left her matrimonial house with her children at her own accord. In this connection a petition was given by the 1st petitioner before the Kulasekharam Police Station and the de-facto complainant gave a statement before the police stating that she was not willing to live with the 1st petitioner. During enquiry before this respondent the 1st petitioner returned the sale deed of the property purchased in the name of de-facto complainant by the 1st petitioner subsequent to their marriage.

5.It is humbly submitted that I have forwarded the petition of the de-facto complainant to the District Social Welfare Officer seeking report. As soon as the report of the District Social Welfare Officer is received I will initiate appropriate actions on the petition of the de-facto complainant."

4. This Court places on record its appreciation to Mrs.Janaki, the Inspector of Police, All women Police Station, Kuzhithurai, Kanyakumari District, for the unbiased manner, in which, investigation has been conducted and status report filed. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioners, but with conditions.

5. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Kuzhithurai, 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 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].



[e] In the event of the respondent police registering a regular case, the anticipatory bail granted will enure to the benefit of the petitioners and they need not have apply for fresh anticipatory bail.

sd/-
27/02/2015

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

TO

- 1 THE JUDICIAL MAGISTRATE, NO.I, KUZHITHURAI
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL
- 3 THE SUB-INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUZHITHURAI,
KANYAKUMARI DT,
- 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C. MUTHUSARAVANAN Advocate SR.No.9285

ORDER

IN

CRL OP(MD) No.2542 of 2015

Date :27/02/2015

NA/02/03/2015/P3/6C