



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.3162 of 2015

1 DR.L.PUSHPARAJ

2 P.AMUTHA RANI

3 L.RAJAMANI

... PETITIONERS/ACCUSED 2 TO 4

Vs

STATE REP BY THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, BABANASAM,

THANJAVUR DISTRICT. CR. NO.1/2015. ... RESPONDENT/COMPLAINANT

R.MYTHILI

...INTERVENOR

For Petitioner : M/S.M.VEILKANIRAJU Advocate

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

For Intervenor : MR.L.SHAJI CHELLAM Advocate

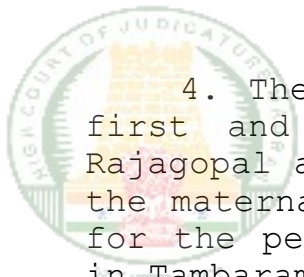
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 494 and 506(ii) IPC and Section 4 of Tamil Nadu Dowry Prohibition Act in Crime No.1 of 2015 on the file of the respondent police, seek anticipatory bail.

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

3. The defacto complainant in this case is one Mythili. It is the case of the defacto complainant that she got married to one Rajagopal in the year 2007 and they have two two children through the wedlock. It is alleged by the defacto complainant that her husband and her parents-in-law wanted a male child, but she had only begotten female children. Hence, she was subjected to cruelty. It is further alleged by the defacto complainant that her husband, namely, Rajagopal got remarried to one Divya. On the complaint dated 28.01.2015 lodged by the said Mythili, the respondent police have registered the present case.



4. The learned counsel for the petitioners submitted that the first and the second petitioners are the parents of the said Rajagopal and the parents-in-law of Mythili. The third petitioner is the maternal grandmother of the said Rajagopal. The learned counsel for the petitioners also submitted that the petitioners are living in Tambaram at Chennai and the son of the petitioners 1 and 2, i.e., Rajagopal is not living with them and they have no idea about his whereabouts.

5. The learned counsel for the Intervenor submitted that the said Rajagopal has left the defacto complainant and two children in Tambaram and has married one Divya with full knowledge and participation of the petitioners herein. The learned counsel for the Intervenor further submitted that the said Divya has also lodged another complaint against the said Rajagopal before All Women Police Station, Karrur, alleging that he had suppressed his earlier wedding with Mythili and got married to her for the second time. It is pertinent to note that Divya has been arrayed as an accused in this case.

6. Learned counsel for the petitioners submitted that Rajagopal has not filed any anticipatory bail petition and therefore, pleaded for anticipatory bail for his parents and grand mother, as they were not involved in the alleged offences.

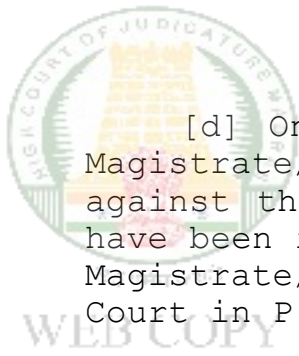
7. Learned Government Advocate (Crl.Side) submitted that Rajagopal is not even reporting to duty and his whereabouts are not known.

8. Since the petitioners are the parents and grand mother of Rajagopal, who is the principal accused, relying upon the judgment of the Supreme Court in Arnesh Kumar vs. State of Bihar and others, reported in 2014 (8) Scale 250, this Court is inclined to grant anticipatory bail to the 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, Bapanasam, Tanjore District, on condition that each of the petitioner 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 1st petitioner shall report before the respondent police daily at 10:30 a.m. for two weeks and thereafter as and when required for interrogation. The petitioners 2 and 3 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

11/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, BAPANASAM, THANJAVUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, BABANASAM, THANJAVUR DISTRICT.
- 4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC TO M/S.M.VEILKANIRAJU ADVOCATE SR.NO.11614

+1CC TO MR.L.SHAJI CHELLAN, ADVOCATE IN SR : 11777

ORDER

IN

CRL OP(MD) No.3162 of 2015

Date : 11/03/2015

AA/13.03.2015/3p- 7c/