



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

Wednesday, the Eighteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3369 of 2015

1 PRADEEP
2 MATHI ANNAL
3 ABIRAMI LAKSHMI

... PETITIONERS / ACCUSED 1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI CITY.
(CRIME NO. 22 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.P.SENTHIL Advocate

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

For Intervenor : MR. SAMUEL GUNASINGH,ADVOCATE

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

ORDER : The Court Made the following order :-

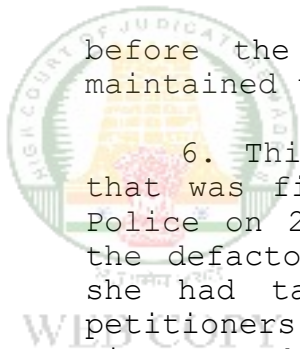
Apprehending arrest at the hands of the respondent police in Crime No.22 of 2014, on the file of the respondent police for offences under Sections 498(A), 406 of the Indian Penal Code r/w Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, the petitioners are now before this Court seeking Anticipatory Bail.

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

3. This case has been registered pursuant to the direction under Section 156(3) Cr.P.C. It appears that the first petitioner got married to the defacto complainant on 11.07.2014. It is alleged by the defacto complainant that the petitioners have taken 100 sovereigns of gold jewelry and other items from her at the time of wedding and they are illegally retaining the same. On a direction issued by this Court, the petitioners returned to the defacto complainant all her household articles on 17.03.2015.

4. Mr.Samuel Gunasingh, learned counsel for the intervenor submitted that the petitioners returned worthless articles and they are retaining the gold jewelry given to the defacto complainant at the time of marriage. In support of it, he produced a photograph of the defacto complainant, wherein she is found decked in jewelry.

5. Per contra, it is the case of the petitioners that even at the time of marriage, they never demanded jewelry from the defacto complainant and they really do not know how much gold jewelry was given to the defacto complainant at the time of wedding. The petitioners appeared



before the Social Welfare Officer and even in their statements they maintained the same stand.

6. This Court called for the case diary and perused the complaint that was first given by the defacto complainant to the Commissioner of Police on 29.09.2014. Even in the complaint, in the initial paragraph, the defacto complainant has not spoken a word about the allegation that she had taken 100 sovereigns of gold jewelry to the house of the petitioners at the time of wedding. In paragraph No.11 of her complaint given to the Commissioner of Police, she has stated that the petitioners were subjecting her to cruelty demanding 100 sovereigns of gold jewelry, Rs.45,00,000/- and also a house in the name of the first petitioner. Therefore, this Court has some doubt as regards this allegation.

7. On a reading of the S.M.S sent by the first petitioner to the defacto complainant, it appears that he has been calling everyone insane and claiming himself to be Lord Krishna. This Court would infer that there is something wrong with the first petitioner psychologically.

8. Be that as it may, Considering the facts and circumstances of the case, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners.

9. 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, Tirunelveli, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety 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 first petitioner shall report before the respondent police daily at 05.30 p.m., for a period of two weeks and thereafter as and when required for interrogation and 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 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] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioners are complying with the order or not.

sd/-
18/03/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.1
TIRUNELVELI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI CITY.

+1. CC to M/S.M.P.SENTHIL Advocate SR.No.12862

+1cc to MR. SAMUEL GUNASINGH, ADVOCATE IN SR NO. 13518

ORDER
IN
CRL OP(MD) No.3369 of 2015
Date :18/03/2015

RG.19.03.2015 3P.7C.