



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3652 of 2015

1 V. JOHN ROSE
2 V. REETHAMMAL
3 ARPUTHARAJ
4 MARY PRABA ARPUTHARAJ
5 V. ANITHA

..PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.
CRIME NO.NOT KNOWN OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SEEMARAJ Advocate
For Respondent : Mr.P.KANDASAMY, Government Advocate (Criminal Side)
For Intervenor : Mr.S.PALANIVELAYUTHAM, Advocate

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

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the intervenor and the learned Government Advocate (Crl.side) appearing for the State.

2.Since only petition enquiry is being conducted in C.S.R.No.36 of 2015, on 2.3.2015, this Court granted interim anticipatory bail to the petitioners with a direction to the petitioners to appear before the respondent police at 6.30 p.m. This order was passed in order to facilitate the petitioners to return the articles belonging to the defacto complainant.

3.The learned counsel for the intervenor submitted that the petitioners are in possession of 15 sovereigns of gold jewellery belonging to the defacto complainant.

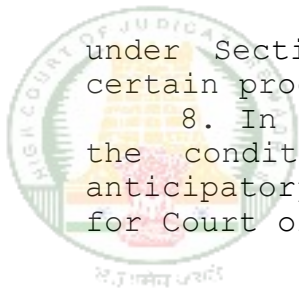
4. The respondent police have filed status report in which in paragraph No.6 it is stated as follows:

"6.It is most humbly submitted that the petitioners are not ready to return the gold ornaments, cash and household articles of the defacto complainant".

5.It is further stated by the learned Government Advocate (Crl.side) on instruction from the respondent police, who is present, that the petitioners did not comply with the condition imposed by this Court on 2.3.2015 and did not appear for interrogation.

6. The learned counsel for the petitioners relied upon the judgment of the Hon'ble Apex Court in **Arnesh Kumar vs. State of Bihar and Another** reported in **(2014) 3 MLJ (Cr1) 353 (SC)** wherein the Hon'ble Supreme Court has issued certain guidelines to the police officer before effecting arrest for the offence under Section 498(A) IPC.

7. I have no quarrel with the preposition laid down therein because <https://hcservices.courts.gov.in/hcservices/> on the said judgment the power of arrest has been discussed pursuant to the amendment brought to the Code of Criminal Procedure recently. The Supreme Court has not held that no arrest should be made for the offence



under Section 498(A)IPC but has stated that, before effecting arrest certain procedural formalities will have to be followed.

8. In the facts of this case, the petitioners have not complied with the condition imposed by this court while granting interim anticipatory bail on 2.03.2015 which only shows that they have no regard for Court orders. Therefore, this petition is dismissed.

sd/-

24/03/2015

WEB COPY

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

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

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.

+1. CC to M/S.K.SEEMARAJ Advocate SR.No.14471

+1CC to M/s.S.PALANIVELAYUTHAM, Advocate in SR.14879

ORDER IN

CRL OP(MD) No.3652 of 2015

Date :24/03/2015

PBK 26/03/2015 ::2P-5C: