



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.3896 of 2015

WEB COPY

1 SURESH
2 MRS. SUMATHI

... PETITIONERS/ACCUSED 2 & 3

AKSHARA

... INTERVENOR

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DT,
CRIME NO.5/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.BABU RAJENDRAN Advocate

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

For Intervener : M/S.LAKSHMI GOPINATHAN FOR
POLAX LEGAL SOLUTIONS

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

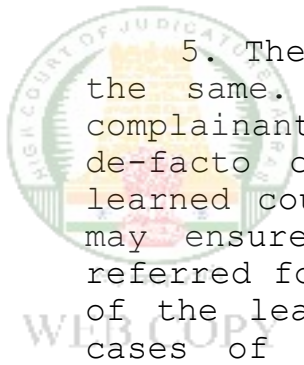
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.5 of 2015, on the file of the respondent police for offences under Sections 498(A) and 406 IPC read with Section 4 of Dowry Prohibition Act and Section 4 of Women Harassment Act, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

3.On 04.03.2015, this Court granted interim anticipatory bail to the petitioners with a direction to the first petitioner to appear before the respondent police at 06.30 p.m. everyday for a period of two weeks for the purpose of returning the articles belonging to the de-facto complainant.

4. Today, when the matter was called, the police have filed a status report, in which, it is stated that the petitioners handed over the jewels and articles of the de-facto complainant to her.



5. The learned counsel for the de-facto complainant also admits the same. According to the learned counsel for the de-facto complainant, the petitioners' son Rahul is in United States and the de-facto complainant is desirous of reunion and therefore, the learned counsel for the de-facto complainant prays that this Court may ensure the presence of Rahul so that the matter could be referred for Mediation. There is sufficient force in the submission of the learned counsel for the de-facto complainant. Because in cases of this nature, it is always desirable for the spouses themselves to sit across and resolve the issues. The learned counsel for the petitioners has filed an affidavit sworn to by the first petitioner signed by him, wherein in which, paragraph nos.5 and 6, they have stated the follows:

"5.I submit that my son Mr.Ragul is now working at Cummins Emission Solutions at United States of America on contract basis and he will be able to come to India only during Christmas Holidays of this year.

6.I hereby undertake that my son will come to India, after 20th December 2015, and before January 2016."

5. In view of the above undertaking, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioners, but with conditions.

6. 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.II, Virudhunagar, 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].

sd/-

18/03/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, NO.II, VIRUDHUNAGAR

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTTUR

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR DT,

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

+1. CC to M/S.BABU RAJENDRAN Advocate SR.No.13032

+1. CC to M/s.POLAX LEGAL SOLUTIONS SR.NO.13116

ORDER

IN

CRL OP(MD) No.3896 of 2015

Date :18/03/2015

NA/20/03/2015/P3/7C