



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

Thursday, the Twenty Second day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.967 of 2015

1 S.K.ANAND KUMAR
2 S.N.KUBENDRAN
3 S.K.GEETHA
4 S.K.MADHAN
5 V.V.KALPANA
6 G.M.VINOTHINI
7 V.B.VIJAYAKUMAR
8 G.R.MURUGESH BABU

... PETITIONERS/ACCUSED NO. 1 TO 8

Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURAI TOWN.
CR.NO.15 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.SUBBIAH 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 :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 406 I.P.C and Section 4 of Dowry Prohibition Act in Crime No.15 of 2014 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that first petitioner got married to the defacto complainant on 23.06.2013 and they were living together till October, 2014. Thereafter, there appears to be matrimonial discord between the first petitioner and his wife.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

4. Since the allegations made against the first petitioner is serious in nature, this Court is not inclined to grant anticipatory bail to the first petitioner.



5. As regards the petitioners 2 to 8, they are the relatives of the first petitioner, relying on the dictum of the Honourable Apex Court in **Arnesh Kumar vs. State of Bihar and Another** reported in **(2014) 3 MLJ (Cr1) (SC)**, I am inclined to grant anticipatory bail to the petitioners 2 to 8. Accordingly, the petitioners 2 to 8 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 Additional Mahila Court, Madurai on condition that the petitioners 2 to 8 shall execute a separate 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 2 too 8 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 2 to 8 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 to 8 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]**. This Petition is dismissed as against first petitioner.

sd/-

22/01/2015

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

TO

- 1 THE ADDITIONAL MAHILA COURT, MADURAI
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, MADURAI TOWN.
- 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.SUBBIAH Advocate SR.No.3306

ORDER

IN

CRL OP(MD) No.967 of 2015

Date :22/01/2015

AA/29.01.2015/2p- 5c/