



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.6845 of 2016

1 O. SARAVANAN
2 MEENAL

... PETITIONERS/ ACCUSED No.1 & 2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
IN CR.NO. 4 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.VENKATESWARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 of IPC and Section 4 of Dowry Prohibition Act, in Crime No.4 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de facto complainant and A.1 was solemnized on 15.09.2013. After the marriage, the accused persons harassed the de facto complainant demanding more dowry. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The marriage between the first petitioner/A.1 and de facto complainant was solemnized on 15.09.2013 and subsequent to the marriage, due to dispute the de facto complainant is living separately. The first petitioner/A.1 filed H.M.O.P.No.34 of 2015 on the file of the Sub Court, Sivagangai for divorce on the ground of mental illness. The de facto complainant entered appearance through



Advocate in H.M.O.P.No.34 of 2015 and the matter is posted for filing counter. While so, on 13.01.2016, the de facto complainant has lodged a false complaint alleging various allegations against the petitioner.

4.The learned Government Advocate (Criminal side) submitted that as per the Court direction, the complaint has been registered and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the first petitioner filed H.M.O.P.No.34 of 2015 for divorce and the same is pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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, Thirumayam, Pudukkottai District, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the first petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders and the second petitioner shall report before the respondent police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
13/07/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKKOTTAI DISTRICT.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.

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

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.

+2. CC to M/S R.VENKATESWARAN Advocate SR.No.36196

smn

JM/NGM-MP/SAR-I/15.07.2016/3P-7C

ORDER

IN

CRL OP (MD) No.6845 of 2016

Date :13/07/2016