



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen

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PRESENT

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

CRL OP(MD) No.10255 of 2016

1 NAGOOR
2 KALAI ARASI
3 ARAVIND KUMAR
4 SASIMALA
5 KANGADHARAN

... PETITIONERS/ACCUSED RANK No.1to5

DEVISRI

... PETITIONER / INTERVENOR

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI SOUTH,
MADURAI 625 001.

... RESPONDENT/COMPLAINANT

For Petitioner : Ms.A.HAFIZA Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

For Intervenor : Mr.M.JEGADEESAN, Advocate

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 to 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(ii) IPC, in Crime No.5 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 the third petitioner/A.1, Aravindakumar was solemnized on 10.02.2014. At the time of marriage six sovereigns of gold jewels for A.1 and 50 ½ sovereigns of gold jewels for de facto complainant were given as dowry. After the marriage, the petitioners along with the other 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 they are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners are only in-laws of the de facto



complainant and they have nothing to do with the alleged occurrence. The third petitioner/A.1 Aravindakumar filed H.M.O.P.No.887 of 2015 before the Family Court, Madurai against the de facto complainant for divorce and the same is pending.

4.The learned Government Advocate (Criminal side) submitted that as per the complaint given by the de facto complainant, a case has been registered and investigation is pending.

5.The learned counsel for the intervenor submitted that all the jewels given at the time of marriage to the de facto complainant are with the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the third petitioner/A.1 filed H.M.O.P.No.887 of 2015 against the de facto complainant for divorce and the same is pending and the other petitioners are only in-laws of the de facto complainant, 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 No.VI, Madurai, 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 third petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders and the petitioners 1,2,4 and 5 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 third petitioner is complying with the conditions or not.

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sd/-
28/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE-VI
MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURAI SOUTH,
MADURAI 625 001.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MISS A.HAFIZA Advocate SR.No.40269

ORDER
IN
CRL OP(MD) No.10255 of 2016
Date :28/07/2016

smn

SH/DB/SAR-I:02.08.2016:3P/6C