



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

Monday, the Twenty Seventh day of June Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.10286 of 2016

1 SOUNDARA RAJAN
2 ESTHAR
3 DAISY MANOBALA
4 DAVID JEBA KUMAR

... PETITIONERS/ACCUSED 2 TO 5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
CRIME NO. 12 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.THIRUVADI KUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

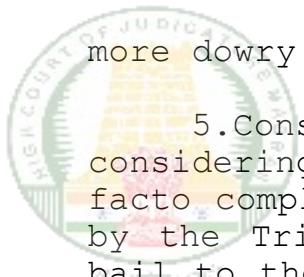
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 to 5 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498-A, 294(b) IPC and Section 4 of Dowry Prohibition Act, in Crime No.12 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 01.05.2015 and at the time of marriage the parents of the de facto complainant had presented 33 sovereigns of gold jewels and a sum of Rs.1,25,000/- and spent a sum of Rs.7,00,000/- for the celebration of marriage. 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 petitioners are only in-laws of the de facto complainant. Due to misunderstanding, the de facto complainant left the matrimonial home taking all the jewels. A1 was arrested and enlarged on bail by the learned Judicial Magistrate No.I, Thoothukudi vide order dated 17.06.2016 made in Cr.M.P.No.3217 of 2016.



more dowry and investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are only in-laws of the de facto complainant and A.1 was already arrested and released on bail by the Trial Court, 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.I, Thoothukudi, 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 petitioners 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/-
27/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
- 2 do through THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S A.THIRUVADI KUMAR Advocate SR.No.33303

ORDER
IN
CRL OP(MD) No.10286 of 2016
Date :27/06/2016