



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.11169 of 2016

WEB COPY

1 BOSE
2 TAMILSELVI
3 MUTHU

... PETITIONERS/ACCUSED Nos.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI.
IN CRIME NO. 12 OF 2016
MADURAI.

... RESPONDENT/COMPLAINANT

JEYANTHI

...INTERVENOR IN CRL MP (MD) NO.7014/16
IN CRL OP (MD) NO.11169/2016

For Petitioner : M/S C.PRABHAKARAN Advocate

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

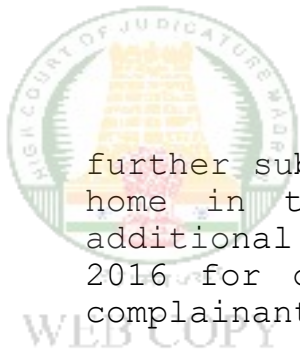
For Intervenor : MR.N.MARIAPPAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 498(A), 406 of IPC r/w. 4(1)(a) of Woman Harassment Act in Crime No.12 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the marriage between A1 and defacto complainant was solemnized on 21.05.2004 and at the time of marriage 35 sovereigns of gold jewels and Two wheeler was given as dowry. Two children were born in the wedlock. A1 pledged the jewels and tortured the defacto complainant. A1 did not given any money for maintaining the children and throw her out from matrimonial home. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the first petitioner is the husband and the second petitioner is the sister and the third petitioner is the husband of second petitioner. He



further submitted that the defacto complainant left the matrimonial home in the year 2009 itself and they have not demanded any additional dowry and the first petitioner has filed HMOP.No.89 of 2016 for divorce and after filing divorce petition, the defacto complainant has given a false complaint.

4. The learned counsel for the intervenor submitted that the 35 sovereigns of gold jewels given at the time of marriage was pledged by A1 and the petitioners 2 and 3 tortured her demanding additional dowry and A1 has not given any amount for maintenance of the children and prayed for dismissal of this petition.

5. The learned Government Advocate (Crl. Side) submitted that the investigation of the case is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the defacto complainant left the matrimonial home in the year 2009 itself and the defacto complainant has given a complaint in the year 2016, the custodial interrogation of the petitioners are not necessary. Hence, I am inclined to grant anticipatory bail to the petitioners. 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, Manamadurai 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the first petitioner shall report report before the respondent police daily at 10.00 am until further orders and the petitioners 2 and 3 shall appear before the respondent Police as 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].



7. 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 condition or not.

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sd/-
17/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CCs to M/S C.PRABHAKARAN Advocate SR.No.45803 & 45757

ORDER
IN
CRL OP(MD) No.11169 of 2016
Date :17/08/2016

PA/SKS-RR/SAR I/26.08.2016/3P/7C