



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

Monday, the Eleventh day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11242 of 2016

1 ELANCHEZHIAN

2 K. PANDIAN

3 P. SANTHI

4 VIJAYAN

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

UTHAMPALAYAM,

THENI DISTRICT,

CR NO. 6 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.MURALI Advocate

For Respondent : M/S.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 to 4 apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 498(A) and 420 of IPC in Crime No.6 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner married the defacto complainant on 26.01.2015. The petitioners informed that the first petitioner is working in Police Department at Chennai and he is owning a house at Chennai. Believing that the marriage was arranged with the first petitioner. The defacto complainant's parents gave 50 sovereigns of gold jewellery to defacto complainant and a sum of Rs.5,00,000/- as dowry to petitioner and household articles worth Rs.3,00,000. Subsequently, defacto complainant and her parents came to know that the first petitioner is not working in Police Department and he is working only as a Teacher. The petitioners tortured the defacto complainant to leave the matrimonial home and also demanded Rs.10,00,000/- for getting a Government job. When the same was questioned by the defacto complainant's parents, the petitioners threatened the



defacto complainant with dire consequences. Due to their influence, a false complaint had been registered against the parents of the defacto complainant at Uthamapalayam Police Station. In the circumstances, 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 was appointed as a Junior Assistant in the Police Department and after being relieved, he joined as a Teacher in Dharamamurthi Rao Bahadur Calavala Cunnan Chetty's Hindu Higher Secondary School, Thiruvallur. Further, the defacto complainant on her own volition left the matrimonial home and subsequently, the defacto complainant did not come to the matrimonial home, in spite of the repeated advice by the elders and family. The defacto complainant was adamant and due that on 21.05.2016 the first petitioner and his father and mother came to Uthamapalayam. At that time, there was some wordy quarrel and the father of the defacto complainant along with others attacked the first petitioner and third petitioner. Due to which, the petitioners 1 and 3 lodged a complaint on 21.05.2016, before the Inspector of Police, Uthamapalayam Police Station in CSR.No.368 of 2016 and investigation is pending. The family members of de facto complainant are threatening the petitioners to withdraw the complaint given by them. When he refused to withdraw the same, the defacto complainant has given a false complaint against the petitioners and prays for granting anticipatory bail in favour of the petitioners.

4. The learned Government Advocate (Crl. Side) submits that it is a matrimonial dispute and the investigation of the case is pending.

5. Considering the nature of allegations levelled against the petitioners, 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, Uthamapalayam on condition that each of the petitioner 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 before the respondent police weekly twice i.e on every Saturday and Sunday at 10.00 am until further orders and the other petitioners shall appear before the respondent Police as and 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].

sd/-

11/07/2016

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

TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2 DO THRO THE CHIEF JUDICIALMAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE ALL WOMEN POLICE STATION,
UTHAMPALAYAM, THENI DISTRICT.

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

+1. CC to M/S R.MURALI Advocate SR.No.35884

ORDER

IN

CRL OP(MD) No.11242 of 2016

Date :11/07/2016

SDR/PEK/SAR III/22.07.2016/3P/6C