



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11854 of 2016

1 SHANTHI

2 PALANIAMMAL

..PETITIONERS/ACCUSED 2 & 3

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

MELUR, MADURAI DISTRICT.

CR NO. 46 OF 2016.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S M.KANNAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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 & 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417 and 506(i) of IPC, in Crime No.46 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of one Sakthivel/A1. He was already married. Suppressing the said marriage, A1 married the defacto complainant. At the time of marriage 10 sovereigns of gold jewels was given to A1. He pledged the gold jewels and doing Tailoring business. During that time, A1 developed illicit intimacy with first petitioner and tortured the defacto complainant. He redeemed the jewels and handed over to the first petitioner. All the accused persons severely attacked the defacto complainant and threatened her to murder the defacto complainant and her child, unless she agrees for divorce. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the defacto complainant is not the wife of A1. First petitioner is married and her husband is in abroad. The second petitioner is the mother of first petitioner. The first petitioner is not having any illicit relationship with A1. They are innocent persons and they have been falsely implicated in this case.



4.The learned Government Advocate (Crl.Side) submitted that all the accused persons attacked the defacto complainant and tortured her by demanding dowry and they threatened to murder her. Al given all the jewels of the defacto complainant to the first petitioner and the investigation is pending.

5.Considering the serious nature of allegation made against the first petitioner, custodial interrogation of the first petitioner is necessary, this Court, is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed as against the first petitioner.

6.Considering the nature of allegations, this Court is inclined to grant anticipatory bail to the second petitioner, with certain conditions. Accordingly, the second petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the second petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the second petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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 second petitioner is complying with the conditions or not.

sd/-
28/07/2016

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.

+1. CC to M/S M.KANNAN Advocate SR.No.40297

ORDER IN
CRL OP(MD) No.11854 of 2016
Date :28/07/2016

PBK/ARK-PV/SAR-III 01/08/2016 ::3P-6C::