



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

Friday, the Twenty Second day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12556 of 2016

1 ASHOK KUMAR
2 BALU SERVAI

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT, CR NO. 7/2016. ... RESPONDENT/COMPLAINANT

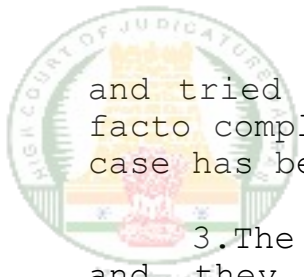
For Petitioner : M/S R.SURIYA NARAYANAN Advocate
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406 and 506(ii) IPC, in Crime No.7 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and daughter of the de facto complainant got married and at the time of delivery, the daughter of the de facto complainant died, after birth of the child. The de facto complainant performed all the last rites of his daughter. The de facto complainant was maintaining the child. At that time, the first petitioner approached the de facto complainant stating that all the household articles and jewels given by the de facto complainant is with the first petitioner and promised that he will not marry again till the child is grown up and demanded for the child. Believing the same, the de facto complainant handed over the child. Subsequently, on 09.06.2016, the petitioner married another woman by name Ramya and he is not maintaining the child properly. On 29.06.2016, the de facto complainant and his wife went to the house of the petitioners and demanded for return of jewels given for his daughter. At that time, the petitioners along with the other accused persons armed with iron rod, wooden log, Aruval and sticks, prevented the de facto complainant and his wife from entering into the house and abused them in filthy language and threatened them with dire consequences



and tried to kill the de facto complainant and his wife. The de facto complainant and his wife escaped from the place. 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 daughter of the de facto complainant was died at the time of delivery. As per the settlement between the two family members, the de facto complainant agreed to hand over 55 sovereigns of gold jewels to the petitioners for his granddaughter and further they assured that they will not claim the Srithana articles, which are under the custody of the petitioners. While so, the de facto complainant demanded to return the jewels and gave a false complaint.

4.The learned Government Advocate (Criminal side) submitted that at the time of occurrence, the petitioners along with other accused persons armed with iron rod, wooden log, Aruval and stick, prevented the de facto complainant and his wife from entering into their house and abused them in filthy language and threatened them with dire consequences and tried to kill the de facto complainant and his wife. The de facto complainant and his wife escaped from the place. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the serious nature of allegations levelled against the petitioners and investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-

22/07/2016

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

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM, THENI DISTRICT,
- 2 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12556 of 2016

Date :22/07/2016

AA/GSV-PM/SAR-I/28.07.2016/2p-3c