



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

Wednesday, the Twenty Seventh day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12839 of 2016

1 VALLI

2 GANGA

...PETITIONERS/ACCUSED 2 & 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT,
CR NO. 11/2016.

...RESPONDENT/ COMPLAINANT

For Petitioner : M/S.AR.JEYA RHUTHRAN 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 and 3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A) and 494 IPC, in Crime No.11 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 29.06.2011. At the time of marriage, the parents of the de facto complainant gave 13 sovereigns of gold jewels and household articles worth Rs.1,00,000/- to A.1. Subsequent to the marriage, the de facto complainant was living in a joint family. On 14.07.2012, a male child was born. On 20.07.2012, when she was at her parents home, A.1 and second petitioner came there and demanded further dowry and abused her in filthy language and also threatened her by saying that if they failed to give additional dowry, they will arrange second marriage for A.1 with another lady and thereafter, A.1 married one Valli. On complaint, a case has been registered for the above said offences.



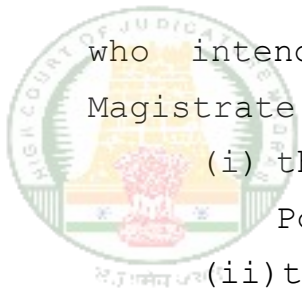
3.The case of the petitioners is that the first petitioner is the first wife of A.1 and the marriage between A.1 and first petitioner/A.2 was solemnized on 05.06.2011 and the same was registered on the same day in the Marriage Registrar's Office, Thirukarungudi and she is the legally wedded wife of A.1, whereas the marriage between the de facto complainant and A.1 was solemnized only on 29.06.2011. The second petitioner is the mother-in-law of the de facto complainant and she has nothing to do with the alleged occurrence. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioners produced the Extract of Hindu Marriage Register kept by the Marriage Registrar Office, Thirukarungudi, wherein it is stated that the marriage between A.1 and the first petitioner/A.2 was solemnized on 05.06.2011.

5.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.

6.Considering the facts and circumstances of the case and also considering the Extract of Hindu Marriage Register kept by the Marriage Registrar Office, Thirukarungudi, produced on the side of the petitioners, wherein it is stated that the marriage between A.1 and the first petitioner/A.2 was solemnized on 05.06.2011 and the second petitioner is only the mother-in-law of the de facto complainant, 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, Tirunelveli, Tirunelveli District, 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].

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 conditions or not.

sd/-
27/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, PALAYAMKOTTAI, TIRUNELVELI DISTRICT,

+1. CC to M/S.AR.JEYA RHUTHRAN Advocate SR.No.39830.

ORDER
IN
CRL OP(MD) No.12839 of 2016
Date : 27/07/2016